3/9/21

Department of Veterans Affairs.

Compensation service quality call.

» Okay, thank you. If you have two monitors, we suggest having the quality call bulletin open on one screen watching the recording on the other. If you experience any problems watching the recording or opening governments in TMS please check with your local training manager for help. As you're completing the training and the evaluation, it won't immediately show up on your learning history, give about 15 minute, you don't have to take it more than once. Thank you. Welcome to the March 202 the compensation service quality call. This is Bonnie, senior quality review specialist with our interim QRT here in quality assurance in Nashville. Before we get started on this month's call, I want to introducer inHawkins as our new co-lead at the quality call, Erin Hawkins. You probably heard her before on these call, now we're lucky to have her at the helm as well. She's a veteran and organize originally hails from the national OR action she's been request quality assurance if for awile is a enzoo your quality assurance specialist, she's all around amazing and we're excited to have her, Erin?

» Erin: Thank you, Bonnie, I'm very flattered and very greatful to be here as your new co-lead.

» Thanks Erin, you'll be hearing from her in months to come as well, hopefully years to come. Let's take a little agenda look. We've got a packed agenda. First we have an update on the MST retrospective review, those were previously called special focus reviews if you're familiar with that term. That's going to be done by quality assurance. We have four topics and presenters all having to do with Gulf War and presumptive service connection some that will be super helpful we also have MDEO with guidance on helpless child claims and our owner inis going to talk about a change to CUE processing. Finally we'll have two non-rating focus issued presented by quality assurance including an update on those COD cases.

Let's get right into it. I will turn it over to Jillian. Thank you.

» Hello. I'm Jillian Dale I'm a consultant with the advisory and specialized claims staff at quality assurance. And I will be presenting the findings of the recently completed military sexual trauma retrospective review. In January of 2022, our staff completed a retrospective review of fiscal year '2 is claim notice which military -- 21 claim notice which military sexual trauma based were denied. Since that time the report has been published can be found on the compensation service website. Findings from the report include a measure of the accuracy for those claims, the procedural deficiencies found and a comparison between the findings pre consolidation and post consolidation. Post-consolidation meaning, May 2021, when MST claims were consolidated into five regional offices.

Accuracy for the purposes of a national review is determined by the number of cases with benefit entitlement errors, benefit entitlement errors are those errors that have impacted or have potential to impact the outcome of a claim. This review found that there was a decrease in accuracy for fiscal year '21 when compared to both fiscal year '20 and fiscal year '19 reviews. An upward trend in accuracy was zoo then the claim L.A. ims that were processed after consolidation. Ark among benefit enentitlement errors the two major categories with the most errors continue to be MST exam and medical opinion deficiencies and insufficient development. the common exam deficiency error is failure to order an examination due to missed marker evidence. Common development denichen't agency errors were failure to obtain complete personnel record and failure to have prior treatment requires, the exam deficiencies due to missed markers continue to be the highest error category.

In the report, we also discussed procedural deficiency findings. Out of 125 cases reviewed, -- sorry -- in the report, we also discussed procedural deficiency findings. Out of 125 indicateses reviewed, 55 cases contained procedural deficiencies. The major categories of errors were failure to complete and upload the personal trauma development checklist, failure to complete and upload the personal trauma incident/marker worksheet, and a failure to upload the DPRIS request screen. Procedurally, a comparison between pre and post-consolidation is not going to be completely accurate at this time given the time frame of the review as many of the procedures would have taken place prior to the time the processed claims were consolidated.

However, there were fewer procedural errors when reviewed. And no procedural errors were found in decision documentation, which would be the only category the post consolidation sites would have had complete control over. And with that, I'll hand it over to presenter Joseph Henley.

» Jillian, thank you so much. Today I will be presenting the presumptive period for compensation for Gulf War veterans. On February 3, 2022, the Department of Veterans Affairs published in the Federal Register a Final Rule to amend adjudication regulation regarding compensation for disabilities resulting from undiagnosed illnesses suffered by veterans who served in the Persian Gulf war. This rules extends the presumptive period for qualifying chronic disabilities for these illnesses.. The Code of Federal Regulations, 38 C.F.R. 34.317, the update removed the language, no later than December 31, 2021, for undiagnosed illnesses and added the language, no later than December 31, 2026. The manual references that were updated to these regulations are, M21-1, part VII, wait am I still on?

» Yes, we can still hear you.

» Sorry about that, my screen had changed. Apologize.

» That's okay, you can just restart the slide if you want. Then I can take that out.

» Thanks.

» The manual references that were updated are the M21 part VII chapter 2, section b, that was updated on September 2021. And section -- I'm sorry, I have to start this slide over, apologize ya'll.

» You're good, it's okay. Deep great, no worries. The manual references that were updated are M21-1, 721B 2A and, 721B. Those were updated on September 24, 202-1678 and December 30, to 21678 calendar blasts that were released in September and December left no gap in the guidance. Now I'll be handing it over to Jessica Flannery.

» Hello everyone. I'm Jessica Flannery with the system support and oh operational review staff, we're happy to be here today and have a few more Gulf War reminders for you. Claims reviewed in conjunction with compensation service sight visits have we vealed the need to provide a reminder of southwest age of system. This is reminder in with development andlation actions under 38 C.F.R. 3.317A and b, specifically related to undiagnosed illness and medically inexplained chronic multi-symptom illnesses or MU,CMI claims.. 38 C.F.R. 3.317E 2 defines the Southwest Asia theater of operations toen collude, the locations in airspace listed in the table shown on your screen. Is veterans DD214 is a great first step to Versaillesing southwest aid I can't service. Southwest theater of operations service is verified upon review of the DD21 had showing one of the following.. Service and Southwest Asia with the exact dates listed in the remarks section. Now this may indicate a specific location, or a general location of Southwest Asia or SWA. Number two, identification of an Iraq campaign medal or Kuwait liberation medal.. Compensation service reminds claims processors if Southwest Asia service is not verified by one of the three indicators we just discussed, additional research must be conducted utilizing information found in VIS personnel records and/or service treatment records to off the qualifying locations of overseas service. The Southwest Asia service medal does not automatically verify service in Southwest Asia. Additionally, the Afghanistan campaign medal only verifies service in Afghanistan, and does not verify Southwest Asia service for the purposes of compensation for an undiagnosed illness or a MUCMI as defined in 38 C.F.R. 3.317. Receipt of either of these medals would require additional research. As a best practice, and to assist in future reviews of the e-folder claims processors should annotate or bookmark the document and page number if applicable used to verify Southwest Asia service. This will help the next person reviewing the claim quickly identify how SWA service was verified. I have provided references on the handouts and would recommend reviewing these when working on Gulf War claims to ensure Southwest Asia service is verified correctly. I will go ahead and pass it over to Ken young for another Gulf War update.

» Ken young: Thank you, Jessica. I many name is Ken young, I'm the lead managers and program analyst for the consistency and oversight review service. I'll will issue special issue updates and reminders, February 28, our staff published update to the M21-4 amen Dix E2AB which is titled "purpose of special issues and index of current special issues." A note was added to the M214E 2A to remind claims processors that there maybe scenarios that exist where it's contingent claim disability or signs oh or symptoms of disability would warrant special issue indicators. Also S other reminders are, to remind the claims processors should -- oh are may have special indicators to be updated throughout the life of the claim. Also, identify any contingent that may have a special issue associated with it, and enter claim-specific special issues that provides additional details about the contingent and the claim. Finally while conducting sight visits an it was identify that the appropriate special issues were not be affixed to claims involving Gulf War. The following special issue updates were made to improve compliance in this area. First, for burn pit exposure, use only for claims, disability due to burn pit exposure not previously granted. For environmental hazard in Gulf War, use for all claim conditions, related to undiagnosed illnesses and/or MUCMIs based on equal satisfying Southwest Asia location as defined in 38 C.F.R. 3.317E not previously granted. For Gulf War presumptive use for all claim presumptive infectious diseases listed under 38 C.F.R. 3.317C not previously granted. Only use this special issue for those nine infectious diseases outlined in 38 C.F.R. 3.317C. For Gulf War presumptive, airborne hazards use for all claim presumptive conditions listed in 38 C.F.R. 3.3 the 0A2, not previously granted, and again, only use this special issue for those presumptive positions listed in 38 C.F.R. 3.320A2.

Just a quick reminder, please review the noted 38 C.F.R.es listed above before deciding on a claims -- on a specific issue, special issue. I will now hand it over to rye January.

» Ryan Ustick: . Hello everybody. My name is Ryan Ustick I'm a consultant on the advisory and special claims team quality assurance. Today I'm going to present the findings from the retrospective review conducted for Gulf War claims. The Department of Visit ran affairs added a new regulation on October 5, 2021 which allowed for presumptive service connection for three chronic respiratory health conditions, asthma, Ryannitis and sinusitis to include rhino sign you science in assume with association to fine particulate matter these apply to veterans with qualifying period of service and the Southwest Asia theater of operations during the Persian Gulf war as well as in Afghanistan, Syria, Dibouti or Uzbekistan after 9/19/01. They started ajute indicated the claims on October 5, 202001. Quality assurance staff reviewed the claims in October 2021 to determine the accuracy of the workload and insured guidelines for being properly applied. Claims filed were reviewed for both fen fit titles and errors as well as procedural deficiencieses requiring corrective action. Overall 96% of the cases were found to not contain a benefit entitlement error, however, there were two common themes noted in the procedural deficiency category. Liberalizing legislation as found in 38C if,R 3.114 was not properly followed. And the special issue indicators were not properly utilized. For claims under 38 C.F.R. 3.320 these special issues Gulf War presumption airborne hazards should be utilized as previously discussed.

For liberalizing legislation, if a claimed condition was diagnosed pressure to the date of the law change, and met other requirements such as service, the effective date can go up to 1 year prior to the date of claim, but no earlier than the date of the law change.

If the claim condition was diagnosed after the date of the law change, and met the other conditions such as service, normal effective date rules apply. Please see M211822C 1A for more information on this topic. Now, I'll turn the presentation over to Christya Badger.

» Thank you, Ryan. Hello, as mentioned my name is Christia Badger I'm a program analyst on the medical disability examination policy and program, my management staff. And today I'm introducing the Spina Bifida DBQ. Spy that was pre leased on April 3, 2022 for the Denver regional office use not to be used for helpless child claims, the Denver RO will use it for individuals suffering from Spina Bifida who's biological mother or father was a Vietnam veteran or veteran coverage in Korea, C.F.R. 3.318 had. The concern very RO continue to process all claims for Spina Bifida and other chapter 18 benefit, this DBQ is not to be used for the helpless child claim. The central nervous system and neural muscular system DBQ should no longer be requested for Spina Bifida examinations, the Spina Bifida DBQ addresses the five areas, which are locomotion, bowel continence, neurothese correlate with the three the disability levels used to determine the appropriate monthly monetary allowance. Do not request DBQ's for helpless child exams. We're seeing an increased number of requests for helpless child exams we'd like to remind you that helpless child exams are not routinely or commonly requested. The exam maybe requested in the rating activity determines that such action is necessary to resolve insufficient evidence of record or conflicting evidence. Thank you and now I'd like to hand the mic over to Erin.

» Thank you and hello again this is Erin Hawkins. I'm going to discuss the step to take when processing a clear and unmistakable error on claims that involve severing service connection. Two prior equal calls the March 2020 call and the June 2020 call included presentations on preparing a rating decision, the code sheet and the associated award needed when processing a claim with the CUE. The March call focused on the required rating code sheet modifications needed for the serverred issue, the June call covered how the award should be manipulated in order to pay correctly. Also, during the June call we presented information on how there were certain instarcheses that it was impossible to manipulate the award to ensure both an overpayment was not created and the beneficiary continued to receiver the current rate of payment until the first day of the third month following notice of the final decision. This occurred when the rating decision completely severed all issues and as a result, the vet want was no longer entitled to any compensation benefits. It would also happen if after the CUE issues were severed the veteran continued to be service connected for other issues but only at a non-compensable 0%. Ultimately, if the results of the rating many educate the veteran was that longer entitled to a monthly compensation payment, then the award could not be manipulated to pay correctly. For these cases, prior guidance was to send a email to the 215 staff for instruction. However, in January 202 the, an SOP for CUE severance award processing was issued which provided updated guidance for processing CUE actions that sever is service connection, the M21 was also updated now references this SOP. So claims processors should add here to the updated guidance in order to correctly process CUE claims.

Now I'm going to pass it over to Danielle, she's going to discuss specific information within the SOP.

» Danielle: Thank you so much, this is Danielle Parhalo I'm a rating consultant with the quality assurance staff, I will Mr. Going over the step to process the work around found in the SOP. The work around in the SOP is like the prior process in that the rating activity will simply close out the severed condition with the final severance date no earlier than the last day of the month following a 60-day period from the date of notice to the beneficiary. The code sheet will reflect final severance attached to the disability under subject compensation. It is noted that VBMSR will sometimes generate a duplicate final severance and that is acceptable. Be sure to review any ancillary issues the severance of service connection will affect, such as SMC. Once the issue has been severed, add a note in the special notation box to explain the work around used. Here is an example of what the code shot will look like when using the work around in the SOP guidance. The code sheet. The sever disability or disabilities will remain under subject to compensation with the percentage it was evaluated at, the dates it was erroneously granted and closed out and final severance. The overall combined percentage will also remain with the 0% on the date the severed conditions were closed. Ensure you are closing out the SMC code box when SMC is discontinued so that the veteran no longer receives payment for the SMC. Here is an example of the notation box with the correct verbiage explaining what I the code sheet duds not reflect as if no error -- sheet does not reflect as if no error has been made. The authorization activity will then generate the award with no overpayment, and add a remark on the e-doc matching the note on the code sheet. This work around ensures the veteran will receive the current rate of payment and to the first day of the third month following the notice of the final decision. Now I will pass it over to our next presenter, Radine Mace.

» Hello everyone, my name is Radine mace I'm a consultant with the authorization and non-rating team. Today I'm going to talk to you about new procedures, routing procedures for routing RBPS related star quality review errors. mist historically quality assurance has routed RBPS related STAR quality review error to the station of jurisdiction for corrective action. However, based on recommendations from both ROs and the BE is,T sites QA began forwarding these case os to BEST sites beginning March 1, 20 the 2. To ensure that we're distributing these cases actually as best as possible to all of the BEST sites cases will be held or distributed on or after the following month. QA does not anticipate any negative impact on the current workload at BEST sites as the number of referred cases are expected to be minimal.. However due to QMS limitations, it's important to note that cases will be routed to the QMS team coach and will need to be routed internally to BEST team management. If you have any questions about these new procedures, please correct tome to the mailbox reflected on the slide. I'll go ahead and turn it over to Christine Alford now.

» Radine thank you so much. Hello everyone, today, I'm going to provide an update on character of discharge pre-decisional review project in which compensation service is currently engaged. We have been continuing this review for the last several months. And, specifically, we're revaluing character of discharge decisions, processed during fiscal year 2022, which prospectively find the former service members military service as dishonorable for VA purposes. The 10th anniversary of the repeal of the don't ask don't tell policy in September of 2021 and implementation of secretary McDonaugh's lesbian, gay, bisexual, transgender, queer, and related identities benefits eligibility directive also in September of '21 are among the call lists for the reviews we're conducting.

While the LGBT Q plus directive focuses on sexual gender orientation, and HIV status. It has precipitated VBA to examine its procedures and overall accuracy for claims involving military discharges in which the characterization was under other than honorable conditions. Since the start of the review in November 2021, compensation service has received 2, 310 draft disho honorable additions we've reviewed 1547 of which we've concurred where 942. That is agreeing that the COD discharge -- that the discharge is under "other than other honorable conditions" dison honorable. Compensation service has not concurred with the proposed dishonorable determinations in 179 of the cases we've reviewed. Very importantly, we've had to reason 392 decisions to stations for correction, or for additional development. And, you'll see the reasons for these returns on this screen before you here. Just want to remind everybody to please ensure that these oversights are not an issue when routing the COD decision to compensation service, so that in the end, the timeliness of these claims can be increased and we'll be able to inform the veteran or former service member of our decision sooner.. For the cases we return, please make corrections as delineated in our uploaded memo in the e-folder. Please ensure the corrected drafts COD determination and the associated 210961 are both uploaded to the e-folder prior to returning the claim to us. And it's very important that only the compensation service COD special issue indicator is utilized when the claims are ready to be returned from your RO to us here in compensation service. Once the draft COD administrative decision has been loaded after the corrections have been made on your end, please apply the SII to the claim to return it to compensation service, via the NWQ. By taking a closer look at these claims through this focused review, we've released several -- we've reach actually several encouraging outcomes. These are listed too on the slide here before you including improving our knowledge of the trends, of the trends, communicating that to the field, error trends, submitting manual change requests for clarification in the manual that we have learned was needed, our increased partnership with the field, including our very close collaboration with the authorization quality review specialists who have been temporarily assigned to comp service to assist us with this workload. So positive results overall, and more to come as we continue these reviews throughout fiscal year, 2022. Finally as always, please don't hesitate to contact us with any questions. Thank you so very much. And at this point, I'll turn it over to Erin Hawkins, senior quality review specialist authorization non-rating. Erin, over to you, Ma'am.

» Erin: Thank you, Christine, thank you for our final presentation today. What a excellent topic that was. This concludes all presentations for our call. So I'd like to discuss the process if you want to suggest topics or be a presenter on future calls. I'll also share when the next quality call will be recorded. If you have a topic you would like to present on a future quality call, please just run it by your coach, then second us a email at our internal box listed on the slide. We absolutely love to have guest present tores we're more than happy to help you prepare if you need it. If you have a suggestion for a topic, please send an email to the same mailbox with the information displayed on the slide. Be sure to copy your coach on the email. Almost every quality call includes topics based on suggestions from the field, so if you notice a trend or or have an idea, please tell us. You can find the quality call bulletins for past oh calls on the CAPS service internet and the full training with audio recordings is available in both TMS and the learning catalog. Thanks for listening, the next call will be recorded in the second week of April and until then, have a wonderful start to your bring season. Thank you.