

COMPENSATION AND PENSION DISABILITY EXAMINATIONS

1. SUMMARY OF MAJOR CHANGES: Major changes include:

a. Combines Veterans Health Administration (VHA) Directive 1046, Compensation and Pension Disability Examinations and VHA Directive 1603, Training and Certification of VHA Examiners Completing VA Compensation and Pension (C&P) Disability Examinations and rescinds VHA Directive 1603, Training and Certification of VHA Examiners Completing VA C&P Disability Examinations.

b. Updates policy requirements for VHA examiners who complete Compensation and Pension (C&P) disability examinations and provide medical opinions when requested by the Veterans Benefits Administration (VBA).

2. RELATED ISSUES: VHA Directive 1913, Changes in Compensation and Pension Examination Reports, dated June 21, 2018, and VHA Directive 6370, Compensation and Pension (C&P) Examination Report Release of Information, dated August 22, 2019.

3. POLICY OWNER: The Office of Disability and Medical Assessment (DMA) (11PC1) is responsible for the content of this directive. Questions may be addressed to the Chief Officer, DMA, at: CorporateMailbox.DMA@va.gov.

4. RESCISSIONS: VHA Directive 1046, Compensation and Pension Disability Examinations, dated December 6, 2018, and VHA Directive 1603, Training and Certification of VHA Examiners Completing VA Compensation and Pension (C&P) Disability Examinations, dated March 1, 2019, are rescinded.

5. RECERTIFICATION: This VHA directive is scheduled for recertification on or before the last working day of November 2028. This VHA directive will continue to serve as national policy until it is recertified or rescinded.

6. IMPLEMENTATION SCHEDULE: This directive is effective upon publication.

November 28, 2023

VHA DIRECTIVE 1046

**BY DIRECTION OF THE OFFICE OF THE
UNDER SECRETARY FOR HEALTH:**

/s/ Erica M. Scavella, MD, FACP, FACHE
Assistant Under Secretary for Health
for Clinical Services/CMO

NOTE: *All references herein to Department of Veterans Affairs (VA) and VHA documents incorporate by reference subsequent VA and VHA documents on the same or similar subject matter.*

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COMPENSATION AND PENSION DISABILITY EXAMINATIONS

1. POLICY

It is Veterans Health Administration (VHA) policy to provide a Compensation and Pension (C&P) disability examination, medical opinion or both when requested by the Veterans Benefits Administration (VBA) for the purpose of adjudicating a Veteran's claim for disability benefits. Additionally, VHA examiners who conduct C&P disability examinations must complete and pass the required C&P examination training courses.

NOTE: *The type of specialty or general examination required and the VHA examiner who conducts the examination is a Department of Veterans Affairs (VA) medical facility determination, unless determined and provided by VBA or specified in the Board of Veterans' Appeals remand instructions. VHA examiners must follow VHA Directive 1134(2), Provision of Medical Statements and Completion of Forms by VA Health Care Providers, dated November 28, 2016, for disability exam requests that are not associated with a formal request from VBA and are external to the VA C&P disability examination process.* **AUTHORITY:** 38 U.S.C. § 5103A; 38 C.F.R. §§ 3.159, 3.326.

2. RESPONSIBILITIES

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for ensuring overall VHA compliance with this directive.

b. **Assistant Under Secretary for Health for Clinical Services/Chief Medical Officer.** The Assistant Under Secretary for Health for Clinical Services/Chief Medical Officer is responsible for:

(1) Supporting the Office of Disability and Medical Assessment (DMA) with implementation and oversight of this directive.

(2) Collaborating with the Assistant Under Secretary for Health for Patient Care Services/Chief Nursing Officer (CNO) to ensure support from Program Offices outside of the Office of Clinical Services for implementation of this directive.

c. **Assistant Under Secretary for Health for Patient Care Services/Chief Nursing Officer.** The Assistant Under Secretary for Health for Patient Care Services/CNO is responsible for:

(1) Collaborating with the Assistant Under Secretary for Health for Clinical Services/Chief Medical Officer to ensure effective implementation.

(2) Supporting Program Offices who may need to support C&P examinations within the Office of Patient Care Services in the implementation of the directive.

d. **Assistant Under Secretary for Health for Operations.** The Assistant Under Secretary for Health for Operations is responsible for:

(1) Communicating the contents of this directive to each Veterans Integrated Services Network (VISN).

(2) Assisting VISN Directors to resolve implementation and compliance challenges in all VA medical facilities within that VISN.

(3) Providing oversight of VISNs to ensure compliance with this directive and its effectiveness.

e. **Chief Officer, Office of Disability and Medical Assessment.** The Chief Officer, DMA is responsible for:

(1) Providing oversight for VISN and VA medical facility compliance with this directive and ensuring corrective action is taken when non-compliance is identified.

(2) Collaborating with the Chief Officer, VHA Institute for Learning, Education and Development (ILEAD) to design, develop, produce and post VHA's examiner training courses in VA's Talent Management System (TMS) and VHA Training Finder Real-time Affiliated Integrated Network (TRAIN). **NOTE:** *For detailed responsibilities related to training development and compliance tracking, see VHA Directive 1052, Appropriate and Effective Use of VHA Employee Mandatory and Required Training, dated June 29, 2018. The VHA TRAIN platform is used to provide fee-basis C&P providers and VBA contractors access to trainings.*

(3) Establishing, maintaining and coordinating a certification program with VISNs and VA medical facilities to ensure all active VHA examiners are certified.

(4) Requesting VHA examiner certification data and ad-hoc training completion reports from the Chief Officer, VHA ILEAD, as needed.

(5) Monitoring and reporting VA C&P workload performance data (e.g., exams receipts, pending, completions, average processing days, cancellations and insufficiencies) and performance to VHA internal stakeholders (e.g., VA medical facility leadership, VISN Director, Assistant Under Secretary for Health for Clinical Services, Assistant Under Secretary for Health for Operations, other VHA senior leadership) on monthly, quarterly and as-needed calls.

(6) Collaborating with VBA to promote efficiency in processing C&P disability examination requests.

(7) Collaborating with the Department of Defense (DoD) to assist with the coordination of benefits for Service members transitioning from military service, as appropriate.

f. **Chief Officer, VHA Institute for Learning, Education and Development.** The Chief Officer, VHA ILEAD is responsible for collaborating with the Chief Officer, DMA to design, develop, produce and post VHA examiner training courses in TMS and VHA

TRAIN. **NOTE:** For detailed responsibilities related to training development and compliance tracking, see VHA Directive 1052.

g. **Veterans Integrated Service Network Director.** The VISN Director is responsible for:

(1) Ensuring that all VA medical facilities within the VISN comply with this directive and informing leadership when barriers to compliance are identified.

(2) Ensuring the completion of required training and certification of all VHA examiners completing VA C&P disability examinations within their areas of responsibility by validating completion through their local TMS Administrator (see paragraph 3).

(3) Distributing additional instructions from the Chief Officer, DMA on VA C&P disability examinations and required trainings to VA medical facilities within the VISN.

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

(1) Ensuring overall VA medical facility compliance with this directive and appropriate corrective action is taken if non-compliance is identified.

(2) Ensuring VHA examiners conduct VA C&P disability examinations in accordance with the format on Disability Benefits Questionnaires (DBQs) and applicable VHA and VBA policies and procedures. **NOTE:** For procedural guidance, see <https://vaww.dma.va.gov/index.asp>. This is an internal VA website that is not available to the public.

(3) Collaborating with the VA Office of Information and Technology (OIT) to ensure IT applications supporting VHA completion of VA C&P disability examinations are up to date.

(4) Ensuring that prior to conducting VA C&P disability examinations, VHA examiners successfully complete assigned training courses and complete continuing education training as required (see paragraph 3).

(5) Ensuring that VHA examiners have support of specialist staff (e.g., Neurologists, Cardiologists, Orthopedics who complete specialty C&P examinations and who may act as subject matter experts) when needed to meet the requirements of this directive and related VA policies.

(6) Ensuring sufficient staff resources to meet VHA timeliness standards of average processing days for Veterans' and Service members' VA disability benefit claims.

NOTE: For current timelines, see the C&P Exam Procedure Manual at <https://vaww.dma.va.gov/index.asp>. This is an internal VA website that is not available to the public.

(7) Ensuring that VA medical facilities develop a process to elicit and honor a Veterans' request to see a VHA examiner of a specified gender for gynecological,

breast, rectal, mental health or military sexual trauma (MST) related claim examinations. **NOTE:** *In support of this, appointment letters notifying Veterans of the time and location of their scheduled C&P examination with a VHA examiner must include the following statement: “You may request to see a male or female examiner for any gynecological, breast, rectal and mental health claim examinations. Also, if your claim is related to a mental or physical health condition resulting from the experience of military sexual trauma (MST), you may choose whether to see a male or female examiner. Please contact us if you have a preference for the sex or gender of your VHA examiner and we will ensure that your preference is honored. To meet this preference, we may need to reschedule the day, time or location of your examination.”*

i. **VHA Examiners.** VHA Examiners are VA health care providers who are trained and certified in the performance of C&P medical disability examinations by VA and include physicians, dentists, physician associates (physician assistants), certified nurse practitioners, psychologists, optometrists, social workers and audiologists. VHA examiners are responsible for:

(1) Completing all designated training courses for certification (see paragraph 3).

(2) Registering in the DMA Registration and Certification C&P Database at the following registration link: <https://rcdb.dma.hec.med.va.gov/reg/ClinicianSelfRegistration.aspx>. **NOTE:** *This is an internal VA website that is not available to the public.*

(3) Performing only VA C&P disability examinations for examination types in which they are certified. **NOTE:** *After a VHA examiner has completed the designated training courses for the exam types they are assigned to complete and registered in the DMA Registration and Certification C&P Database, they are considered certified.*

(4) Conducting all VA C&P disability examinations in accordance with the format on DBQs or other approved examination templates and applicable VHA and VBA policies and procedures. **NOTE:** *For exam procedures, see the C&P Exam Procedure Manual at <https://vaww.dma.va.gov/index.asp>. This is an internal VA website that is not available to the public.*

3. TRAINING

a. The following TMS training courses are **required** for all VHA examiners prior to conducting general VA C&P disability examinations. **NOTE:** *For more information on training resources see <https://vaww.dma.va.gov/index.asp>. This is an internal VA website that is not available to the public.*

(1) DMA General Certification Overview (VA 5496).

(2) DMA Military Sexual Trauma and the Disability Examination Process (VA 131006357).

(3) DMA Medical Opinions (VA 131006360).

(4) DMA Gulf War Medical Examination (VA 131006368).

(5) PACT Act: Key Terms & Medical Opinions Interactive (VA 131007583).

b. In addition to the mandatory courses for general C&P certification, the following TMS training is **required** for VHA examiners prior to conducting the following specialized examinations:

(1) DMA Mental Health Examinations (VA 131001287) (e.g., mental disorders, post-traumatic stress disorder).

(2) DMA Musculoskeletal Exam (VA 131001199).

(3) DMA Traumatic Brain Injury (TBI) Examination (VA 9238).

c. Guidance regarding qualified VHA C&P examiners can be found in the DMA C&P Disability Examination Clinician's Guide on the DMA website at <https://vaww.dma.va.gov/index.asp>. **NOTE:** *This is an internal VA website that is not available to the public.*

4. RECORDS MANAGEMENT

All records regardless of format (e.g., paper, electronic, electronic systems) created by this directive must be managed as required by the National Archives and Records Administration (NARA) approved records schedules found in VHA Records Control Schedule 10-1. Questions regarding any aspect of records management should be addressed to the appropriate Records Officer.

5. BACKGROUND

VBA may request a C&P disability examination to adjudicate claims submitted by Veterans to VBA for service-connected compensation or non-service-connected pension benefits. VHA performs these examinations pursuant to the duty to assist provisions of 38 U.S.C. § 5103A and 38 C.F.R. § 3.159, and in accordance with the requirements of 38 C.F.R. § 3.326 and Part 4. **NOTE:** *Procedural guidance can be found on the DMA website at <https://vaww.dma.va.gov/index.asp>. This is an internal VA website that is not available to the public.*

6. REFERENCES

a. 38 U.S.C. § 5103A.

b. 38 C.F.R. §§ 3.159, 3.326 and Part 4.

c. VHA Directive 1052, Appropriate and Effective Use of VHA Employee Mandatory and Required Training, dated June 29, 2018.

d. VHA Directive 1134(2), Provision of Medical Statements and Completion of Forms by VA Health Care Providers, dated November 28, 2016.

e. Office of Disability and Medical Assessment (DMA) website (Training Resources, C&P Exam Procedure Manual): <https://vaww.dma.va.gov/index.asp>. **NOTE:** *This is an internal VA website that is not available to the public.*