



PACT ACT OVERVIEW



VA



U.S. Department
of Veterans Affairs



PACT Act Guest Speakers



**Robert McKenrick,
Executive Director**

**New Mexico
VA Health Care System**



**Cesar Romero,
Director**

**Albuquerque Regional
VA Benefits Office**



**Donnie Quintana,
Cabinet Secretary**

**New Mexico Department
of Veteran Services**



Honoring Our PACT Act

The Sergeant First Class Heath Robinson Promise to Address Comprehensive Toxics (PACT) Act of 2022



The Senate Veterans Affairs Committee named the bill after **Sergeant First Class Heath Robinson**, who deployed to Kosovo and Iraq with the Ohio National Guard.

After returning home from his last deployment, doctors diagnosed him with an autoimmune disorder and late-stage lung cancer—both associated with burn pit exposure.

SFC Robinson passed away in May 2020.
He was 39 years old.





Honoring Our PACT Act (cont.)

The PACT Act:

- Is a new law signed by the President on August 10, 2022.
- It is one of the **largest benefit expansions in VA's history**. The law expands benefits and care to generations of Veterans exposed to toxic substances—and their survivors.



Expands eligibility for VA Health Care for **Veterans** with toxic exposures and Veterans of the Vietnam, Gulf War, and Post9/11 eras.



Adds **more than 20 new presumptive conditions** for burn pits and other toxic exposures.



Adds **presumptive-exposure locations** for Agent Orange and radiation.



Helps us **improve research, staff education, and treatment** related to toxic exposures



Requires VA to provide screenings to **every Veteran** related to toxic exposure.



Overview

This presentation provides an overview of the Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2022 including:

- Definition of toxic exposure
- Health care eligibility changes
- Toxic exposure screening and education
- Toxic exposure research
- Presumption of service connection changes



Military Environmental Exposure

Includes exposures to a wide variety of agents, including nuclear, chemical, and physical (such as sound, vibration, noise, and x-rays) that are part of the military environment, both deployed and in garrison.

Military environmental agents have the potential to cause adverse health effects, either alone or in combination.

The PACT Act defines the term “toxic exposure,” but generally, “toxic exposure” refers to a subset of Military Environmental Exposures. Whether an exposure is “toxic” is determined by:

- The substance
- The concentration of exposure
- Route of exposure (inhalation, ingestion, transdermal or intradermal, intravenous, etc.) and
- Duration of exposure.



Toxic Exposure

The **PACT Act defines** the term "toxic exposure," but as a general matter, there are several types of possible exposures of hazards Veterans may have experienced during their military service.

COMMON EXPOSURES

Chemicals

Herbicides (Agent Orange) used during Vietnam era, burn pits, sulfur fire in Iraq, Camp Lejeune water supplies, pesticides used during Gulf War, depleted uranium, industrial solvents

Air Pollutants

Burn pits, oil well fire during Gulf War, sulfur fire in Iraq, Atsugi (Japan) waste incinerator, sand, dust, and very small, fine particles or liquid droplets

Occupational Hazards

Asbestos, industrial solvents, lead, radiation, vibration, noise, fuels, polychlorinated biphenyl (PCBs), and special paint used on military vehicles

Radiation

Nuclear weapons and testing, x-rays, depleted uranium

Warfare Agents

Chemical weapons, Project 112/Project Shipboard Hazard and Defense (SHAD), herbicide tests and storage, and chemical experiments



Expanding Presumptions of Service Connection

The PACT Act establishes presumptions of service connection **for more than 20 conditions related to toxic exposures.**

FOR GULF WAR & POST-9/11 VETERANS

- Asthma diagnosed after service
- Interstitial lung disease (ILD)
- Brain cancer
- Kidney cancer
- Chronic bronchitis
- Lymphatic cancer of any type
- Lymphoma of any type
- Chronic rhinitis
- Melanoma
- Chronic sinusitis
- Neck cancer
- Chronic obstructive pulmonary disease (COPD)
- Constrictive bronchiolitis or obliterative bronchiolitis
- Pancreatic cancer
- Emphysema
- Pleuritis
- Gastrointestinal cancer of any type
- Pulmonary fibrosis
- Glioblastoma
- Reproductive cancer of any type
- Granulomatous disease
- Respiratory cancer of any type
- Head cancer of any type

COMPLETE LIST OF AGENT ORANGE PRESUMPTIVE LIST

- AL Amyloidosis
- Bladder Cancer
- Chloracne
- Chronic B-Cell Leukemias
- Diabetes Mellitus Type 2
- Hodgkin's Disease
- Hypertension
- Hypothyroidism
- Ischemic Heart Disease
- Monoclonal gammopathy
- Multiple Myeloma
- Non-Hodgkin's Lymphoma
- Parkinson's Disease
- Parkinsonism
- Peripheral Neuropathy, Early-Onset
- Porphyria Cutanea Tarda
- Prostate Cancer
- Respiratory Cancers
- Soft Tissue Sarcomas*

FOR VIETNAM VETERANS & OTHER VETERANS exposed to tactical herbicides

- Monoclonal gammopathy of undetermined significance (MGUS)
- High blood pressure (also called hypertension)



What is “Presumptive” Service Connection?

To get a VA disability rating, your disability must connect to your military service.

For many health conditions, you need to prove that your service caused your condition.

But for some conditions, we automatically assume (or “presume”) that your service caused your condition. We call these “presumptive conditions.”

We consider a condition presumptive when it's established by law or regulation.

If you have a presumptive condition, you don't need to prove that your service caused the condition. You only need to meet the service requirements for the presumption.



Expanding VA Health Care Eligibility

Section 103 of the law requires VA, in a phased approach, to provide hospital care, medical services, and nursing home care for any illness to **three new categories of Veterans:**

- **Category 1 Veterans** are those who participated in a toxic exposure risk activity, as defined by law while serving on active duty, active duty for training, or inactive duty training;
- **Category 2 Veterans** who were assigned to a duty station in (including airspace above) certain locations during specific periods of time;
 - On or after Aug 2, 1990, in the following countries: Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, or the United Arab Emirates
 - On or after Sep 11, 2001, in the following countries: Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Yemen, Uzbekistan, or any other country determined relevant by VA; and
- **Category 3 Veterans** are those who were deployed in support of Operation Enduring Freedom, Operation Freedom's Sentinel, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, and Resolute Support Mission.



Strengthening VA's Military Environmental Research

A multi-agency workgroup will identify collaborative research activities and develop a five-year strategic plan.

The PACT Act requires studies on:

- Mortality of Veterans who served in Southwest Asia during the Gulf War
- Post 9/11 Veterans' health trends
- Veterans' cancer rates
- Effects of toxic exposures and mental health outcomes
- Effects of waste related to the Manhattan Project
- The state of access and barriers to benefits for Veterans in U.S. Territories
- Effects of jet fuels





Current Schedule for VA Health Care Eligibility

Veterans identified in **Categories 1 or 2** will be eligible beginning:

- Oct 1, 2024: Veterans who were discharged or released between Aug 2, 1990, and Sep 11, 2001
- Oct 1, 2026: Veterans who were discharged or released between Sep 12, 2001, and Dec 31, 2006
- Oct 1, 2028: Veterans who were discharged or released between Jan 1, 2007, and Dec 31, 2012
- Oct 1, 2030: Veterans who were discharged or released between Jan 1, 2013, and Dec 31, 2018

Veterans identified in **Category 3** will be eligible beginning Oct 1, 2032.

Veterans may be eligible for VA health care earlier if they have service-connected illnesses or conditions or if they meet existing eligibility criteria.

VA may modify this schedule to an earlier date, if appropriate, based on the number of Veterans receiving care and services and resources available to VA. If a modification is made, VA will notify Congress and publish the modified date in the Federal Register.



Extended Health Care Eligibility for Certain Combat Veterans



Vietnam



Gulf War Era



Post-9/11 Afghanistan and Iraq

Between Oct 1, 2022, and Oct 1, 2023, Veterans who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of hostilities after Nov 11, 1998, and those who were discharged between Sep 11, 2001, and Oct 1, 2013, **may receive care upon enrollment for VA health care.**

Enrollment is free, there are no annual costs, and your care may be free as well.



Vietnam Era Veteran VA Health Care Eligibility

Veterans who served in the following locations and time periods are also eligible to enroll in VA health care effective on enactment (Aug 10, 2022):

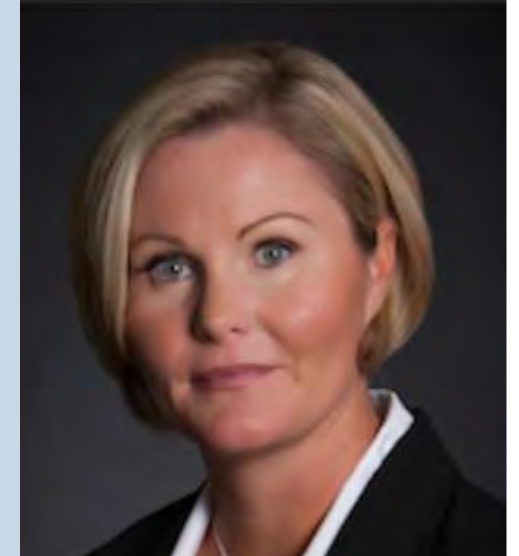
- The Republic of Vietnam (between Jan 9, 1962, and May 7, 1975),
- Thailand at any US or Royal Thai base (between Jan 9, 1962, and Jun30, 1976)
- Laos (between Dec 1, 1965, and Sep 30, 1969)
- Certain Provinces in Cambodia (between Apr 16, 1969, and Apr 30, 1969)
- Guam or American Samoa or their territorial waters (between Jan 9, 1962, and Jul 31, 1980)
- Johnston Atoll, or a ship that was called there, between Jan 1, 1972, and Sep 30, 1977



Expanding Mammography Screenings through the SERVICE Act

Separate from the PACT Act, the Dr. Kate Hendricks Thomas Supporting Expanded Review for Veterans In Combat Environments (SERVICE) Act also **expands toxic-exposure eligibility for Veterans who served overseas.**

Signed into law on June 7, 2022, **the SERVICE Act expands eligibility for clinically appropriate mammography screening to Veterans, of any age,** who served in the following locations (does not include bodies of water around or air space above):



- **Iraq**
 - Aug 2, 1990–Feb 28, 1991
 - Mar 19, 2003–until burn pits are no longer used
- **Southwest Asia theater of operations** includes Kuwait, Saudi Arabia, Oman, and Qatar
 - Aug 2, 1990–until burn pits are no longer used
- **Afghanistan, Djibouti, Syria, Jordan, Egypt, Lebanon, and Yemen**
 - Sep 11, 2001–until burn pits are no longer used
- Such other locations and corresponding periods as set forth by the **Airborne Hazards and Open Burn Pit Registry (AHOBPR)**
- Such other locations and corresponding periods as VA, in collaboration with the Department of Defense, may determine appropriate
- The SERVICE Act does not change health care enrollment or claims and benefits application requirements.



VHA Toxic Exposure Screening & Education

Veterans who served in the following locations and time periods are also eligible to enroll in VA health care effective on enactment (Aug 10, 2022):

- Beginning in Nov 2022, every enrolled Veteran will receive an initial toxic exposure screening and a follow-up screening at least once every five years.
- Veterans not enrolled who meet eligibility requirements will have an opportunity to enroll and receive the screening.
- Veterans will be asked questions about potential exposure to an open burn pit or other hazards commonly associated with military environmental exposure.
- VA health care providers and claims processors will also receive additional training and education on toxic-related exposures. Details on the training for health care personnel are still in development.
- VA will publish a list of resources for toxic-exposed Veterans and Veterans who report toxic exposure, the families and caregivers of such Veterans, and the survivors of such Veterans.
- VA will develop an outreach program for Veterans on benefits and support programs.





Filing and Processing Claims Associated with the PACT Act



VA will contact Veterans when a presumption of service connection is established or changed. Veterans can learn more at www.va.gov/PACT.



However, Veterans who were previously denied a toxic-exposure-related claim are encouraged to file a **supplemental claim** using VA Form 20-0995, Decision Review Request: Supplemental Claim. Most claims that were previously denied will not be automatically reviewed under the PACT Act. Survivors who were previously denied dependency and indemnity compensation (DIC) related to any of the new presumptive conditions are likewise encouraged to re-file a claim.

Veterans who have not previously filed a claim and are diagnosed with one of the new presumptive conditions and meet eligibility requirements should **submit a new claim** on VA Form 21-526EZ, Application for Disability Compensation and Related Compensations.

Survivors who have not previously filed a claim and meet eligibility requirements should **submit a new claim** on VA Form 21P-534EZ, Application for DIC, Survivors Pension, and/or Accrued Benefits.



Veterans should be prepared to submit any supportive medical and lay evidence along with their claims.



Find Out if You are Eligible for VA Health Care or Benefits

Visit

- www.va.gov/PACT/

Apply for VA health care:

- www.va.gov/health-care/how-to-apply/

Submit a VBA claim:

- www.va.gov/disability/file-disability-claim-form-21-526ez/

Call **1-800-MyVA411 (800-698-2411)**

PACT Act Claims (New Mexico) <https://www.accesstocare.va.gov/healthcare/pactact>

Airborne Hazards and Open Burn Pit Registry:

- veteran.mobilehealth.va.gov/AHBurnPitRegistry/

Questions?

For more info, visit [VA.gov/PACT](https://va.gov/PACT) or call **1-800-MyVA411**