

May 14, 2018

[Dr. Terri Julian] I'm Dr. Terri Julian, Director of the Baltimore Office of Healthcare Inspections.

I'm speaking with Dr. Robert Yang, Medical Director of the Office of Healthcare Inspections National Reviews, and Ms. Sami O'Neill, the Director of National Reviews, about their *Review of a Montana Board of Psychologists Complaint and Assessment of VA Protocols for Traumatic Brain Injury Compensation and Pension Examinations*.

Ms. O'Neill, why did the OIG conduct this review?

[Ms. Sami O'Neill] We were asked by Congress to review a complaint to the Montana Board of Psychologists about a VA psychologist who they were concerned was practicing outside the scope of his qualifications when performing a compensation and pension (or C&P) exam for traumatic brain injury. These C&P exams help determine the amount of compensation benefits a veteran receives and so are critically important to get right. We were also asked to review the protocols VA uses for these exams in cases of reported Traumatic Brain Injury (or TBI) to determine if they are being conducted by appropriate providers.

[Dr. Terri Julian] Dr. Yang, we hear a lot about TBI in the news. Would you explain what a TBI is and why it is relevant to our veterans?

[Dr. Robert Yang] TBI is a brain injury caused by either a blow to the head or sudden acceleration of the brain that causes it to hit the inside of the skull. TBI was the "signature injury" among troops in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom. Nearly 20 percent of these service members sustained a TBI during deployment.

[Dr. Terri Julian] Ms. O'Neill, the complaint to the Montana Board of Psychologists was about the TBI exam process for determining compensation. Would you briefly explain the C&P exam process?

[Sami O'Neill] Disability compensation is provided to veterans who become disabled due to an injury that happened during military service. A C&P examination is part of the process for determining the existence and extent of a service-connected disability.

[Dr. Terri Julian] Dr. Yang, what did you learn in your review of the complaint to the Montana Board that could apply to other veterans?

[Dr. Robert Yang] Looking beyond just this specific case, the OIG learned that TBI assessments need to be more individualized in recognition of the complexity of these cases.

[Dr. Terri Julian] So, what type of medical provider performs a C&P examination involving traumatic brain injury?

[Ms. Sami O'Neill] If a veteran does not have a diagnosis of TBI at the time of an application for disability benefits, VA requires the diagnosis to be made by one of four physician specialists, either a neurologist, neurosurgeon, physiatrist (physical medicine and rehabilitation), or psychiatrist.

For veterans with a previous TBI diagnosis by one of these required specialists, the C&P exam can be performed by any clinician regardless of specialty who completed training including a one-hour TBI training module.

[Dr. Terri Julian] There seems to be a disconnect between the VA's requirement for a physician with specialized training to make an initial TBI diagnosis but only a one-hour TBI training module requirement for a C&P examiner.

[Dr. Robert Yang] Each veteran is unique and must be individually assessed. C&P examinations involving TBI are reliant on the clinical skills and judgment of the providers performing them. While a specialist is required to make the diagnosis, examiners with considerably less training or experience with cognitive and psychiatric symptoms are allowed to evaluate the impact of these symptoms for disability evaluation purposes. Given the complexity of evaluating TBI and the possibility that the examiner has little or no experience with TBI or cognitive assessment, the OIG determined the training requirements in the curriculum were insufficiently rigorous. We recommended that personnel performing the C&P examination in these cases have more comprehensive training on the evaluation of TBI, including the assessment and evaluation of resultant cognitive disorders.

[Dr. Terri Julian] In the report, you describe the challenges of assessing TBI because of similar symptoms that can be a result of other conditions, such as Posttraumatic Stress Disorder commonly known as PTSD. How does this affect the C&P process?

[Dr. Robert Yang] This is an important point: a C&P examiner must assess whether symptoms result from TBI or another condition such as PTSD or depression. Currently, the method used by the Veterans Benefits Administration to convert the examiner's clinical findings into a disability rating depends upon the diagnosis. Therefore, veterans

with identical cognitive deficit symptoms and functional limitations might end up with different ratings based on the examiner's decision about what condition is causing the symptoms.

Our review raised concerns about the potential for disparities in ratings based on an examiner's decision about the cause rather than the impact of the disability, or multiple disabilities, on the veteran being examined. The rating system should not use one rating process for TBI and a different one for PTSD, which can result in different disability ratings (and therefore compensation) for veterans with the same cognitive symptoms. The OIG recommended that the VA consider basing benefit disability ratings on clinical signs and symptoms, not primarily on the sometimes hard-to-determine diagnosis or cause of cognitive deficits.

[Dr. Terri Julian] The OIG also recommended the establishment of documentation requirements for the C&P examination process for TBI, including documenting the basis for determinations of cognitive impairment and other symptoms. What did you feel was missing?

[Ms. Sami O'Neill] We found that the documentation of exam findings was not always sufficient to determine the basis for a TBI assessment. For example, some examiners' documentation did not include an explanation of how the examiner reached his or her conclusion, or there was insufficient detail to indicate whether the examiner relied on a veteran's self-report, a report from a third party such as a spouse, a clinical assessment, or the medical record.

[Dr. Terri Julian] What should readers take away from this report?

[Dr. Robert Yang] The proper assessment of TBI is a complex task. For the most part, VA is conducting C&P assessments consistent with their own guidance. We identified deficiencies with training examiners, documenting examination results, and determining the disability rating. The current VA method, however, can result in differences in the compensation awarded to veterans with similar cognitive symptoms and needs. The OIG's recommendations are meant to address these deficiencies and ensure greater consistency in the process.

[Dr. Terri Julian] Thank you. The OIG podcasts are produced by VA OIG staff and are available on the VA OIG's website.

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