



US DEPARTMENT OF VETERANS AFFAIRS **OFFICE OF INSPECTOR GENERAL**

Office of Audits and Evaluations

VETERANS BENEFITS ADMINISTRATION

Not All VA Disability Compensation Examiners Completed Training Before Providing PACT Act Medical Opinions

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Executive Summary

VA provides compensation to veterans for service-connected disabilities.¹ Veterans file claims for this compensation, and in some cases, a disability compensation medical examination is needed for VA staff to decide these claims.² These examinations present critical evidence, such as the existence and severity of the claimed condition, or a medical opinion when a link between the veteran's claimed disability and military service is not clear.

All disability compensation examiners are required to complete and pass training courses before conducting an examination.³ When the PACT Act was signed into law in August 2022, its expansion of care and benefits resulted in additional disability compensation examiner training.⁴ The PACT Act training is particularly important because the law significantly expanded benefits eligibility and changed examination requirements. VA has noted that the PACT Act is perhaps the largest healthcare and benefit expansion in VA history and has set a goal of ensuring veterans receive the toxic exposure-related care and benefits they deserve. Therefore, the VA Office of Inspector General (OIG) conducted this review to determine whether Veterans Health Administration (VHA) examiners and Veterans Benefits Administration (VBA) contract examiners are complying with training requirements, including the recently added PACT Act training, before completing related medical examinations.

According to a prior executive director of the VBA Medical Disability Examination Office (MDEO), contract examiners complete over 90 percent of all disability examinations.⁵ The remaining examinations are completed by VHA examiners who are VA employees. The VHA Office of Disability and Medical Assessment (DMA) oversees VHA's disability compensation examination process, including compliance with examiner training. Similarly, MDEO oversees VBA's examination process and contract examiners. MDEO facilitates and monitors several multibillion-dollar contracts to obtain disability examinations and support compensation claims processing. As of the publication of this report, there are four examination contractors.

¹ Throughout this report, a service-connected disability refers to "an illness or injury that was caused by—or got worse because of—the veteran's active military service." Eligibility for VA Disability Benefits" (web page), VA, accessed October 7, 2024, <https://www.va.gov/disability/eligibility/>.

² 38 C.F.R. § 3.159(c)(4) (2022).

³ Appendix A provides details regarding disability compensation examiner training requirements.

⁴ Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022, Pub. L. No. 117-168.

⁵ Statement before the Subcommittee on Disability Assistance and Memorial Affairs, September 18, 2024.

The team reviewed VA disability compensation examiner training requirements and documentation of training completion status for 1,250 VHA examiners and 11,866 VBA contract examiners who performed examinations during calendar year 2023.⁶ Further, the team reviewed two statistically random samples of disability compensation medical opinions from January 1, 2023, through December 31, 2023: a sample of 289 total opinions, with 108 opinions for VHA examiners and 181 opinions for VBA contract examiners.⁷ After excluding records that did not meet project scope requirements, the team made projections based on 100 VHA and 108 VBA contract disability examination records from the population. The team analyzed samples to determine where disability compensation examiners had not completed the PACT Act Key Terms and Medical Opinions course before providing medical opinions.

What the Review Found

The team found that VHA examiners and VBA contract examiners had completed the general courses required to conduct disability compensation examinations. However, examiners did not always complete the PACT Act Key Terms and Medical Opinions course before providing medical opinions for nonpresumptive PACT Act claims.⁸ Because VBA claims processors may rely on examiners' medical opinions as evidence to decide veterans' claims, when examiners provide those opinions before taking necessary training, VA risks providing claims decisions that could lead to improper payments to veterans.

In January 2023, MDEO notified DMA that they had created the PACT Act Key Terms and Medical Opinions course. VHA's assistant under secretary for health for clinical services established August 1, 2023, as the deadline for training completion. According to DMA's program management assistant director, this due date was established in part to allow time for local union notifications and negotiations at the VHA facility level and to allow time for compensation examiners to complete the training. The team found that 29 medical opinions out of 100 reviewed were related to nonpresumptive PACT Act conditions and provided by VHA examiners before they completed PACT Act training. Therefore, the OIG team estimated that VHA disability compensation examiners provided 8,600 nonpresumptive PACT Act medical opinions (29 percent) before completing the related training during calendar year 2023. These examiners had not been trained on the PACT Act but provided medical opinions for PACT Act-related claims that were used to decide whether a disability was service-connected. Most of the cases the OIG team identified where VHA examiners provided PACT Act medical opinions before completing PACT Act training occurred before the August 1, 2023, deadline for

⁶ See appendix B for more on the review's scope and methodology.

⁷ See appendix C for the review's statistical sampling methodology.

⁸ Nonpresumptive disabilities refer to conditions for which service connection cannot be assumed. These disabilities may require medical opinions to determine whether there is a link between military service and the claimed disability to help decide the claim.

training completion. This suggests that the issue of VHA examiners providing opinions without necessary training was mostly resolved by the deadline.

Additionally, the team found that five medical opinions out of 108 reviewed were related to nonpresumptive PACT Act conditions and provided by VBA contract examiners before PACT Act training was completed. Therefore, the OIG team estimated that VBA contract examiners provided at least 860 nonpresumptive PACT Act medical opinions (2 percent) before completing PACT Act training.⁹ This percentage suggests that, generally, compared to VHA examiners, more VBA contract examiners had completed PACT Act training before providing medical opinions.

What the OIG Recommended

Because VHA's completion rate was mostly resolved by the PACT Act Key Terms and Medical Opinion course deadline and VBA contract examiners generally completed the training before providing opinions, the OIG did not make a recommendation related to the training completion rate. However, the OIG believes any examination provided by an examiner who has not completed required training should be reviewed. Therefore, the OIG made one recommendation to the under secretary for benefits to ensure an independent assessment and medical opinion are provided for the cases identified by the team during this review.¹⁰

VA Management Comments and OIG Response

The acting principal deputy under secretary for benefits, performing the delegable duties of the under secretary for benefits, concurred with the OIG's recommendation and provided a responsive action plan. The full management comments are included in appendix D.

The OIG will monitor VBA's corrective actions and close the recommendation when sufficient evidence demonstrates progress in meeting the intent of the recommendation.



LARRY M. REINKEMEYER
Assistant Inspector General
for Audits and Evaluations

⁹ The 2 percent represents a percentage of a targeted sampling population. It does not represent a percentage of all VBA contract disability compensation examinations completed during the review period. This percentage is also based on a conservative statistical estimate as shown in table C.4 (one-sided interval, lower bound column). See appendix C for more details on the review's statistical methodology.

¹⁰ The recommendation addressed to the under secretary for benefits is directed to anyone in an acting status or performing the delegable duties of the position.

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Abbreviations

DMA	Office of Disability and Medical Assessment
MDEO	Medical Disability Examination Office
OIG	Office of Inspector General
PACT Act	Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022
VBA	Veterans Benefits Administration
VHA	Veterans Health Administration



Introduction

VA pays monthly disability compensation to veterans with service-connected disabilities.¹¹ Veterans must file a claim to receive this compensation, which varies according to the severity of the disability. After a veteran submits a claim to VA, veterans service representatives review the claim and help the veteran in gathering evidence needed to evaluate it. Sometimes a disability compensation examination is needed to assess service connection and severity so that a veteran's claim for disability compensation can be decided.¹² These examinations can provide evidence (such as the existence of the claimed condition) or a medical opinion if the link between the veteran's claimed disability and their military service is not clear. According to a prior executive director of the Medical Disability Examination Office (MDEO), contract examiners complete over 90 percent of all disability examinations.¹³ The remaining examinations are completed by Veterans Health Administration (VHA) examiners, who are VA employees.

All disability compensation examiners are required to complete a series of trainings before conducting examinations because these examinations are relied on to assess and understand disabilities.¹⁴ This training includes general certification and specialty certification courses. For example, examiners who conduct mental health, posttraumatic stress disorder, traumatic brain injury, or musculoskeletal examinations must complete trainings related to those specialties. When the PACT Act was signed into law in August 2022, its expansion of care and benefits resulted in additional disability compensation examiner training.¹⁵ Therefore, the VA Office of Inspector General (OIG) conducted this review to determine whether VHA disability compensation examiners and Veterans Benefits Administration (VBA) contract examiners are complying with training requirements, including the recently added PACT Act training, before completing related medical examinations.

Disability Compensation Examiner Training Oversight

The Office of Disability and Medical Assessment (DMA) and MDEO are responsible for providing oversight of the medical disability examination process and ensuring compliance with compensation training for VHA and VBA, respectively. Figure 1 shows the executive and staff offices that provide this oversight.

¹¹ A service-connected disability is an illness or injury caused or made worse by the veteran's active military service. "Eligibility for VA Disability Benefits" (web page), VA, accessed October 7, 2024, <https://www.va.gov/disability/eligibility/>.

¹² 38 C.F.R. § 3.159(c)(4) (2022).

¹³ Statement before the Subcommittee on Disability Assistance and Memorial Affairs, September 18, 2024.

¹⁴ Appendix A provides details regarding disability compensation examiner training requirements.

¹⁵ Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022, Pub. L. No. 117-168, 136 Stat. 1759.

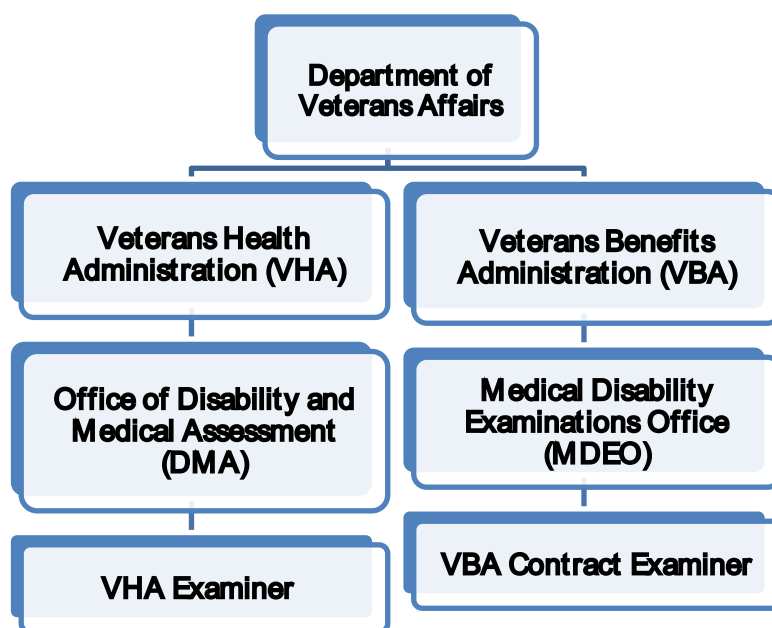


Figure 1. VA executive and staff offices.

Source: VA OIG.

Note: Not all offices responsible for oversight are included in the figure.

DMA is charged with designing, developing, and updating VHA disability compensation examiner training modules and VHA examiner certification. It is responsible for providing oversight and monitoring of VA medical facilities to ensure examiners have successfully completed required training. Other responsibilities include monitoring and reporting on disability examination workload performance data and collaborating with VBA to promote efficiency in processing disability examination requests.

As detailed in the March 1, 2019, VHA Directive 1603, *Training and Certification of VHA Examiners Completing VA Compensation and Pension (C&P) Disability Examinations*, all examiners designated to perform disability examinations are required to qualify for and receive certification by completing specific training modules and tests approved by DMA before performing any examinations.¹⁶

At VBA, MDEO is responsible for ensuring veterans receive timely, high-quality contracted disability examinations worldwide. VA regional office staff can request an examination from a VA medical center or a VBA contract examiner.¹⁷ MDEO facilitates and monitors several

¹⁶ VHA Directive 1603, *Training and Certification of VHA Examiners Completing VA Compensation and Pension (C&P) Disability Examinations*, March 1, 2019. The examiner training requirements that were previously included in VHA Directive 1603 were incorporated into and updated by VHA Directive 1046, *Compensation and Pension Disability Examinations*, November 28, 2023.

¹⁷ VA Manual 21-1, “General Information on Examination Requests,” October 11, 2022, topic IV.i.2.A.1 in *Adjudication Procedures Manual*.

multibillion-dollar contracts for disability compensation examinations to support compensation claims processing. These contracts were awarded for a 10-year period, from 2018 to 2028. There are four examination contract vendors, and each vendor hires medical examiners to perform disability examinations. As part of its oversight, MDEO is responsible for identifying examiner training needs and building clinically accurate training, monitoring the system used to deliver required training courses, and tracking compliance with the training.¹⁸

PACT Act Changes

The PACT Act significantly expanded veterans' eligibility to disability conditions that VA presumes are related to exposure to toxic substances and expanded benefits available to their survivors.¹⁹ When VA assumes a condition has been caused by military service, it is referred to as a presumptive condition. Veterans do not have to prove that their service caused a presumptive condition.²⁰ The law also changed examination requirements for veterans with toxic exposure that cannot be assumed as service-connected (hereafter referred to as nonpresumptive disabilities).²¹ As a result, VBA created new procedures for requesting an examination and medical opinion before determining service connection for a nonpresumptive disability.²²

Because of these changes, MDEO created the PACT Act Key Terms and Medical Opinions course. This training, which is the only examiner course specific to the PACT Act, includes requirements and guidance to help prepare examiners to formulate medical opinions for nonpresumptive claims under the PACT Act. MDEO designated this training as a specialty course that only needs to be completed by VBA contract examiners conducting examinations for nonpresumptive PACT Act claims. According to DMA's program management assistant director, in January 2023, MDEO notified DMA that they had created this training. In contrast to MDEO's requirement for the training, once notified of the training, DMA determined the course was mandatory for *all* VHA disability compensation examiners.

¹⁸ In addition to training, MDEO is responsible for contract vendor oversight, including data and operations, quality, policy and program management, and acquisitions and budget.

¹⁹ VA has noted that the PACT Act is perhaps the largest healthcare and benefit expansion in VA history and has set a goal of ensuring veterans receive the toxic exposure-related care and benefits they deserve.

²⁰ "Eligibility for VA Disability Benefits" (web page), VA.

²¹ Nonpresumptive disabilities refer to conditions for which service connection cannot be assumed. These disabilities may require medical opinions to determine whether there is a link between military service and the claimed disability to help VBA staff decide the claim.

²² VBA, *Public Law (PL) 117-168, Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, or the Honoring our PACT Act of 2022 (PACT Act) Implementation Standard Operating Procedure (SOP)*, November 4, 2024.

Results and Recommendation

Finding: Some Disability Compensation Examiners Provided PACT Act Medical Opinions Before Completing PACT Act Training

The OIG team found that most (about 99 percent) VHA examiners and VBA contract examiners had completed the general courses required to conduct disability compensation examinations. However, not all examiners completed the PACT Act Key Terms and Medical Opinions course before providing medical opinions for nonpresumptive claims.

Of a sample of 100 medical opinions completed by VHA examiners before they completed PACT Act training, 29 were PACT Act-related.²³ From this sample, the team estimated that VHA examiners provided about 8,600 nonpresumptive PACT Act medical opinions out of nearly 30,000 medical opinions before they had completed the required training during calendar year 2023.²⁴ This occurred, in part, because VHA did not immediately require completion of the training. The deadline for VHA examiners to complete this training was August 1, 2023. In November 2023, VHA updated its Compensation and Pension Disability Examinations directive to include the PACT Act Key Terms and Medical Opinions course as a general requirement for certification.²⁵ Of the 29 cases the OIG team identified where VHA examiners provided PACT Act medical opinions before completing PACT Act training, only five were provided after the August 1, 2023, deadline for training completion, and none of the 29 medical opinions were provided after November 2023. This suggests that the issue was mostly resolved after the deadline to complete the PACT Act Key Terms and Medical Opinion course had passed.

Although VHA was not required by policy to prohibit examiners from providing nonpresumptive PACT Act medical opinions before completing the PACT Act Key Terms and Medical Opinions course, the fact remains that some examiners gave medical opinions used to decide PACT Act-related claims without receiving this specific training. Because VBA claims processors may rely on examiners' medical opinions as evidence to decide veterans' claims, when examiners provide those opinions before taking necessary training, VA risks providing claims decisions that could lead to improper payments to veterans.

The team also determined from a sample of 108 medical opinions completed by VBA contract examiners that five were provided by examiners who had not completed PACT Act training before providing the opinions. From this sample, the team estimated that VBA contract disability

²³ For more details on the review's scope and methodology, see appendix B. See appendix C for more details on the statistical methodology.

²⁴ The 29 percent represents a percentage of a targeted sampling population. It does not represent a percentage of all VHA disability compensation examinations completed during the review period. See appendix C for more details on the review's statistical methodology.

²⁵ VHA Directive 1046.

compensation examiners provided at least 860 nonpresumptive PACT Act medical opinions (at least 2 percent) before the examiners providing these opinions completed PACT Act training.²⁶ This percentage suggests that, generally, contract examiners had completed PACT Act training before providing medical opinions.

The finding is based on the following determinations:

- Most examiners completed general courses required to conduct examinations, but PACT Act training had a lower completion rate.
- VHA examiners did not always complete PACT Act training before providing medical opinions for related claims.
- VHA did not immediately require examiners to complete PACT Act training.
- Most VBA contract examiners complied with contract requirements for PACT Act training.

What the OIG Did

The team reviewed VA disability compensation examiner training requirements and documentation of training completion status, including PACT Act training, for the 1,250 VHA examiners and 11,866 VBA contract disability compensation examiners who performed examinations during calendar year 2023. The team also reviewed two statistically random samples of disability compensation medical opinions from January 1, 2023, through December 31, 2023, to determine whether medical opinions for nonpresumptive disabilities were provided before examiners completed the PACT Act Key Terms and Medical Opinions course.²⁷

Finally, to understand VHA regulations and procedures for disability compensation examiner training, the team interviewed DMA, Veterans Integrated Service Network, and VA medical center leaders and staff.²⁸ To understand VBA regulations and procedures, the team interviewed MDEO leaders and staff, as well as managers and staff from all four medical disability examination contract vendors and some of their contract examiners.

²⁶ The 2 percent represents a percentage of a targeted sampling population. It does not represent a percentage of all VBA contract disability compensation examinations completed during the review period. This percentage is also based on a conservative statistical estimate as shown in table C.4 (one-sided interval, lower bound column). See appendix C for more details on the review's statistical methodology.

²⁷ For more on the review's statistical sampling methodology, see appendix C.

²⁸ VHA divides the United States into 18 regional networks, known as Veterans Integrated Service Networks, which manage day-to-day functions of medical centers and provide administrative and clinical oversight.

Most Examiners Completed General Courses Required to Conduct Examinations, but PACT Act Training Had a Lower Completion Rate

According to VHA and VBA training data received by the OIG team in February 2024, about 99 percent of VHA and VBA contract disability compensation examiners had completed the four general courses required to conduct examinations.²⁹ In contrast, the same data received in February 2024 showed 1,033 of 1,250 of VHA examiners (about 83 percent) and 11,138 of 11,866 of VBA contract examiners (about 94 percent) had completed the PACT Act Key Terms and Medical Opinions course. This lower completion rate for the PACT Act Key Terms and Medical Opinions course is important to note because the PACT Act significantly expanded benefits eligibility and changed examination requirements.

VHA Examiners Did Not Always Complete PACT Act Training Before Providing Medical Opinions for Related Claims

The team reviewed a sample of 100 medical opinions provided by VHA examiners before they completed PACT Act training. Of these, 29 were related to nonpresumptive PACT Act conditions. The OIG team therefore estimated that in calendar year 2023, VHA examiners provided 8,600 nonpresumptive PACT Act medical opinions out of nearly 30,000 medical opinions (29 percent) before they completed PACT Act training. For about 4,200 of the 8,600 medical opinions, the VHA examiners completed PACT Act training before the August 1, 2023, deadline. For the remaining 4,500 medical opinions, the examiners completed PACT Act training after August 1, 2023.³⁰ Regardless of the training due date, an estimated 8,600 medical opinions were provided before those examiners completed training.

As previously noted, the PACT Act Key Terms and Medical Opinions course is designed to ensure examiners are better prepared to provide related medical opinions. The assistant under secretary for health for clinical services/chief medical officer's memorandum dated March 27, 2023, stated that "this training is viewed as critical to ensure we optimally serve Veterans who apply for compensation for a service-connected disability of an exposure risk activity during active military, naval, air, or space service."³¹ VHA did not prohibit examiners from providing nonpresumptive PACT Act medical opinions before completing the PACT Act

²⁹ The four required general courses are General Certification Overview, Military Sexual Trauma and the Disability Examination Process, Medical Opinions, and Gulf War Medical Examination. See appendix A for additional examiner training requirements.

³⁰ Estimates do not total precisely due to rounding.

³¹ VHA assistant under secretary for health for clinical services/chief medical officer, "AUSHCS Memorandum of Instruction Regarding Education for Staff who will be Completing Compensation and Pension (C&P) Medical Opinion Examinations for Toxic Exposures (VIEWS 9624955)," memorandum to the Veterans Integrated Service Network directors (10N1-23), Veterans Integrated Service Network chief medical officers (10N1-23), and medical center directors (00), March 27, 2023.

Key Terms and Medical Opinions course. Although this was not a violation of policy at the time, by not requiring these examiners to complete the training before providing opinions, those opinions were used to decide PACT Act-related claims without examiners being trained on the PACT Act. When examiners provide opinions before taking necessary training, VA risks providing claims decisions that could lead to improper payments to veterans.

VHA Did Not Immediately Require Examiners to Complete PACT Act Training

All VHA nationally mandated training must receive approval from VHA's Mandatory Training Subcommittee before implementation.³² The subcommittee approved the PACT Act training on March 9, 2023, and on March 27, 2023, the assistant under secretary for health for clinical services established August 1, 2023, as the deadline for training completion. According to DMA's program management assistant director, the August 1, 2023, due date was established in part to allow time for local union notifications and negotiations at the VHA facility level and to allow time for compensation examiners to complete the training.

In January 2023, DMA stated in its monthly disability examinations conference call that "all C&P [compensation and pension] examiners should complete the course ... in the next 60 days."³³ According to DMA's program management assistant director, the word "should" was intentionally used to ensure adherence to VHA's Union Partner Master Agreements and the VHA Mandatory Training Subcommittee's approval requirement. In other words, at that time, DMA could not say the training was required or mandatory. The assistant director also stated that DMA's intent was to "strongly encourage" completion until they could formally mandate it. DMA removed the 60-day deadline in February 2023 because they decided they should wait for the Mandatory Training Subcommittee's approval before identifying a national deadline. In March 2023, DMA received the subcommittee's approval to mandate the training. In that same month, the assistant under secretary for health for clinical services/chief medical officer sent a memorandum to all Veterans Integrated Service Network directors, Veterans Integrated Service Network chief medical officers, and VA medical center directors designating August 1, 2023, as the deadline for training completion.³⁴

On September 28, 2023, VA's labor management relations office confirmed clearance of notification to the appropriate union partners. In November 2023, VHA updated its

³² VHA Directive 1052, *Appropriate and Effective Use of VHA Employee Mandatory and Required Training*, June 29, 2018.

³³ Veterans Health Administration Compensation and Pension (C&P) Clinical Leaders Call, DMA, January 20, 2023.

³⁴ VHA assistant under secretary for health for clinical services/chief medical officer, "AUSHCS Memorandum of Instruction Regarding Education for Staff who will be Completing Compensation and Pension (C&P) Medical Opinion Examinations for Toxic Exposures (VIEWS 9624955)," memorandum.

Compensation and Pension Disability Examinations directive to include the PACT Act Key Terms and Medical Opinions course as a general requirement for certification.³⁵ Of the 29 cases the OIG team identified where VHA examiners provided PACT Act medical opinions before completing PACT Act training, only five were provided after the August 1, 2023, deadline for training completion, and none of the 29 medical opinions were provided after November 2023. This suggests that the issue was mostly resolved after VHA's deadline for completing the PACT Act Key Terms and Medical Opinion course had passed. As a result, the OIG is not making a related recommendation. However, the OIG is recommending that the under secretary for benefits ensure a disability compensation examiner who has completed PACT Act training provides an independent assessment and medical opinion for the opinions identified in this report that were provided before the examiners had completed PACT Act training.

Most VBA Contract Examiners Complied with Contract Requirements for PACT Act Training

VBA required the new PACT Act training sooner than VHA. In December 2022, MDEO sent a guidance memorandum to vendors informing them that contract examiners who give PACT Act medical opinions must complete the PACT Act Key Terms and Medical Opinions training before conducting related examinations but no later than February 13, 2023.³⁶ The team determined from a sample of 108 medical opinions that five were provided by VBA contract examiners who had not completed PACT Act training before providing the opinions. The OIG team then estimated that these examiners provided at least 860 medical opinions for nonpresumptive PACT Act claims (at least 2 percent) before completing PACT Act training.³⁷ This percentage suggests that, generally, contract examiners had completed PACT Act training before providing medical opinions. Consequently, the OIG is not making a related recommendation but, as noted above, is recommending a review of the medical opinions identified in this report.

Conclusion

During this review, the OIG team identified 29 VHA and five VBA medical opinions provided by examiners who had not completed required PACT Act training. VA has a responsibility to ensure all disability compensation examiners are adequately trained before conducting examinations. When examiners do not complete disability compensation examiner training, including PACT Act training, VA risks providing claims decisions that could lead to improper payments to veterans.

³⁵ VHA Directive 1046, *Compensation and Pension Disability Examinations*, November 28, 2023.

³⁶ MDEO, "New Examiner Training Requirement for PACT Act Implementation," memorandum to VBA contract examination vendors, Vendor Guidance Memo 23-06, December 15, 2022.

³⁷ See appendix C for more details on the review's statistical methodology.

Recommendation

The OIG made the following recommendation to the under secretary for benefits:³⁸

1. Ensure a disability compensation examiner who has completed PACT Act training provides an independent assessment and medical opinion for the 29 VHA and five VBA nonpresumptive PACT Act opinions identified by the Office of Inspector General that were provided before completing PACT Act training, and readjudicate the claims as needed.

VA Management Comments

The acting principal deputy under secretary for benefits, performing the delegable duties of the under secretary for benefits, concurred with the OIG's recommendation. To address the recommendation, VBA will complete an independent assessment of the 34 PACT Act opinions identified by the OIG team and readjudicate the claims as needed. VBA will determine the target completion date once a plan for the assessments and readjudication are completed. The full management comments are included in appendix D.

OIG Response

The acting principal deputy under secretary's corrective action plan is responsive to the intent of the recommendation. The OIG will monitor progress and close the recommendation when sufficient evidence demonstrates VBA has adequately addressed the identified PACT Act opinions.

³⁸ The recommendation addressed to the under secretary for benefits is directed to anyone in an acting status or performing the delegable duties of the position.

Appendix A: Examiner Training Requirements

The Veterans Health Administration (VHA) and Veterans Benefits Administration (VBA) require disability compensation examiners to complete certain training courses to become certified to conduct disability compensation examinations.³⁹ In addition, both VHA and VBA contract disability compensation examiners must complete specific courses before conducting related examinations. Finally, according to the performance work statement, VBA contract disability compensation examiners must complete supplemental courses before conducting examinations. Examiner training requirements are listed below.

Training Requirements for VHA Disability Compensation Examiners

According to VHA Directive 1046, to meet general certification requirements, all VHA disability compensation examiners must complete the following mandatory courses and pass post-course tests before conducting disability compensation examinations:⁴⁰

1. General Certification Overview
2. Military Sexual Trauma and the Disability Examination Process
3. Medical Opinions
4. Gulf War Medical Examination
5. PACT Act Key Terms and Medical Opinions

In addition to meeting general certification requirements, all VHA disability compensation examiners must complete specialty certification courses before performing a specialty examination:

1. Musculoskeletal Examination (Joints)
2. Traumatic Brain Injury Examination
3. Mental Health Certification Course (for example, mental disorders and posttraumatic stress disorder)

³⁹ VHA's training requirements are outlined in the following directives: VHA Directive 1603, *Training and Certification of VHA Examiners Completing VA Compensation and Pension (C&P) Disability Examinations*, March 1, 2019 (until November 28, 2023, when it was rescinded by VHA Directive 1046); VHA Directive 1046, *Compensation and Pension Disability Examinations*, November 28, 2023. VBA contract examiner requirements are outlined in performance work statement.

⁴⁰ VHA Directive 1046.

Training Requirements for VBA Contract Disability Compensation Examiners

An attachment to the performance work statement outlines courses needed to meet general certification requirements. All VBA contract disability compensation examiners must complete the following mandatory courses and pass the associated tests before conducting disability compensation examinations:

1. General Certification Overview
2. Military Sexual Trauma and the Disability Examination Process
3. Medical Opinions
4. Gulf War Medical Examination

In addition to meeting general certification requirements, VBA contract disability compensation examiners conducting designated specialty examinations must complete the courses listed below before performing the corresponding specialty examination:

1. Musculoskeletal Examination (Joints)
2. Traumatic Brain Injury Examination
3. Mental Health Certification Course (for example, mental disorders and posttraumatic stress disorder)
4. Camp Lejeune Contaminated Water
5. Spina Bifida
6. Separation Health Assessment DD3146 Disability Benefits Questionnaire Examiner Training
7. PACT Act Key Terms and Medical Opinions

All VBA contract disability compensation examiners must also complete supplemental courses before conducting examinations:

1. Understanding Military Culture and Veterans
2. Suicide Awareness and Prevention
3. Lethal Means Safety
4. The Veteran Experience

Recertification Requirements

VBA contract disability compensation examiners must complete recertification training every five years. According to the performance work statement, if any examiner has not conducted an examination in the last 12 months, the examiner is required to complete all recertification trainings, listed above, before conducting any new examinations. The VHA directive for disability compensation examiners does not require recertification.⁴¹

⁴¹ VHA Directive 1046.

Appendix B: Scope and Methodology

Scope

The review team began its work in January 2024 and concluded the review in April 2025. The team reviewed VA disability compensation examiner training requirements and documentation of training completion status, including PACT Act training, for VA disability compensation examiners who performed examinations during calendar year 2023.⁴²

Methodology

The team reviewed two statistically random samples of disability compensation medical opinions from January 1, 2023, through December 31, 2023: one sample for Veterans Health Administration (VHA) examiners and one for Veterans Benefits Administration (VBA) contract examiners. The sampling populations included medical opinions provided before examiners completed PACT Act training. Mental health and audiological medical opinions were excluded from the sampling population because those medical conditions are generally not linked to toxic exposures. Because the sampling population included PACT Act and non-PACT Act medical opinions, the team further analyzed samples to determine whether the medical opinions were associated with claims for nonpresumptive disabilities under the PACT Act.⁴³

To understand VHA regulations and procedures for disability compensation examiner training, the team interviewed leaders and staff from VHA's Disability and Medical Assessment, Veterans Integrated Service Network, and VA medical center.⁴⁴ To understand VBA regulations and procedures, the team interviewed VBA's Medical Disability Examination Office leaders and staff, as well as managers and staff from all four medical disability examination contract vendors and some of their contract examiners.

Internal Controls

The review team assessed the internal controls of VHA and VBA significant to the review objective. This included an assessment of the five internal control components to include control environment, risk assessment, control activities, information and communication, and monitoring.⁴⁵ In addition, the team reviewed the principles of internal controls associated with

⁴² Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022, Pub. L. No. 117-168, 136 Stat. 1759.

⁴³ Nonpresumptive disabilities are those not covered by 38 C.F.R. § 3.309.

⁴⁴ VHA divides the United States into 18 regional networks, known as Veterans Integrated Service Networks, which manage day-to-day functions of medical centers and provide administrative and clinical oversight.

⁴⁵ Government Accountability Office (GAO), *Standards for Internal Control in the Federal Government*, GAO-14-704G, September 2014.

the objective. The team identified two components and two principles as significant to the objective.⁴⁶ The team identified internal control weaknesses during this review and proposed a recommendation to address the following control deficiencies:

- Component: Control Environment
 - Principle 4: Demonstrate Commitment to Competence
- Component: Risk Assessment
 - Principle 9: Identify, Analyze, and Respond to Change

The team identified internal control weaknesses during this review and proposed a recommendation to address control deficiencies found in the components and principles listed above.

Data Reliability

The team relied upon training and disability examination records from VHA and VBA, which the team validated by comparing sample data to training certificates and disability examinations results. These comparisons were used to identify any discrepancies. Testing of the data disclosed that they were sufficiently reliable for the review objectives. Comparison of the data with source documentation did not disclose any problems with data reliability, and the team did not find any discrepancies in the fields in any of the datasets.

Government Standards

The VA Office of Inspector General (OIG) conducted this review in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*.

⁴⁶ Since the review was limited to the internal control components and underlying principles identified, it may not have disclosed all internal control deficiencies that may have existed at the time of this review.

Appendix C: Statistical Sampling Methodology

Approach

To accomplish the objective, the VA Office of Inspector General (OIG) team reviewed a statistical sample of veterans' disability examination records for the period January 1, 2023, through December 31, 2023 (review period). The team used statistical sampling to quantify the extent of records where disability compensation examiners had not completed the PACT Act Key Terms and Medical Opinions course before providing medical opinions for nonpresumptive claims under the PACT Act.⁴⁷

Population

The sampling population included 32,108 Veterans Health Administration (VHA) and 76,028 Veterans Benefits Administration (VBA) contract disability examination records where medical opinions were provided before examiners completed the PACT Act Key Terms and Medical Opinions course during the review period. For the purposes of the review, the OIG team estimated the population to be 29,731 VHA disability examination records and 47,970 VBA contract disability examination records.

The difference between the sampling population and the estimated population occurred when the team excluded 2,377 VHA and 28,058 VBA contract disability examination records because they did not meet project scope requirements. Records did not meet project scope requirements if the examiner completed PACT Act training before providing a medical opinion, the medical opinion was not completed in calendar year 2023, a medical opinion was not requested or provided, or a medical opinion was requested but not associated with a claim decision. Since the excluded sample record represents others in the original review population that may also be out of scope, the team estimated the population eligible for this review to be about 29,731 VHA disability examination records and 47,970 VBA contract disability examination records, as noted above.

Sampling Design

The review team selected a statistical sample of 108 VHA and 181 VBA contract disability examination records from the population of records where disability compensation examiners had not completed the PACT Act Key Terms and Medical Opinions course before providing medical opinions. After excluding records that did not meet project scope requirements, the team made projections based on 100 VHA and 108 VBA contract disability examination records from the population.

⁴⁷ Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022, Pub. L. No. 117-168, 136 Stat. 1759.

Weights

Samples were weighted to represent the population from which they were drawn, and the weights were used in the estimate calculations. For example, the team calculated the exception rate estimates by first summing the sampling weights for all sample records that contained the given exception, then dividing that value by the sum of the weights for all sample records.⁴⁸

Projections and Margins of Error

The projection is an estimate of the population value based on the sample. The associated margin of error and confidence interval show the precision of the estimate. If the OIG repeated this review with multiple sets of samples, the confidence intervals would differ for each sample but would include the true population value approximately 90 percent of the time.

The OIG statistician employed statistical analysis software to calculate estimates, margins of error, and confidence intervals that account for the complexity of the sample design.

The sample size was determined after reviewing the expected precision of the projections based on the sample size, potential exception rate, and logistic concerns of the sample review. While precision improves with larger samples, the rate of improvement decreases significantly as more records are added to the sample review.

Figure C.1 shows the effect of progressively larger sample sizes on the margin of error.

⁴⁸ The term “exception” means the disability compensation examiner had not completed the PACT Act Key Terms and Medical Opinions course before providing medical opinions for nonpresumptive claims under the PACT Act.

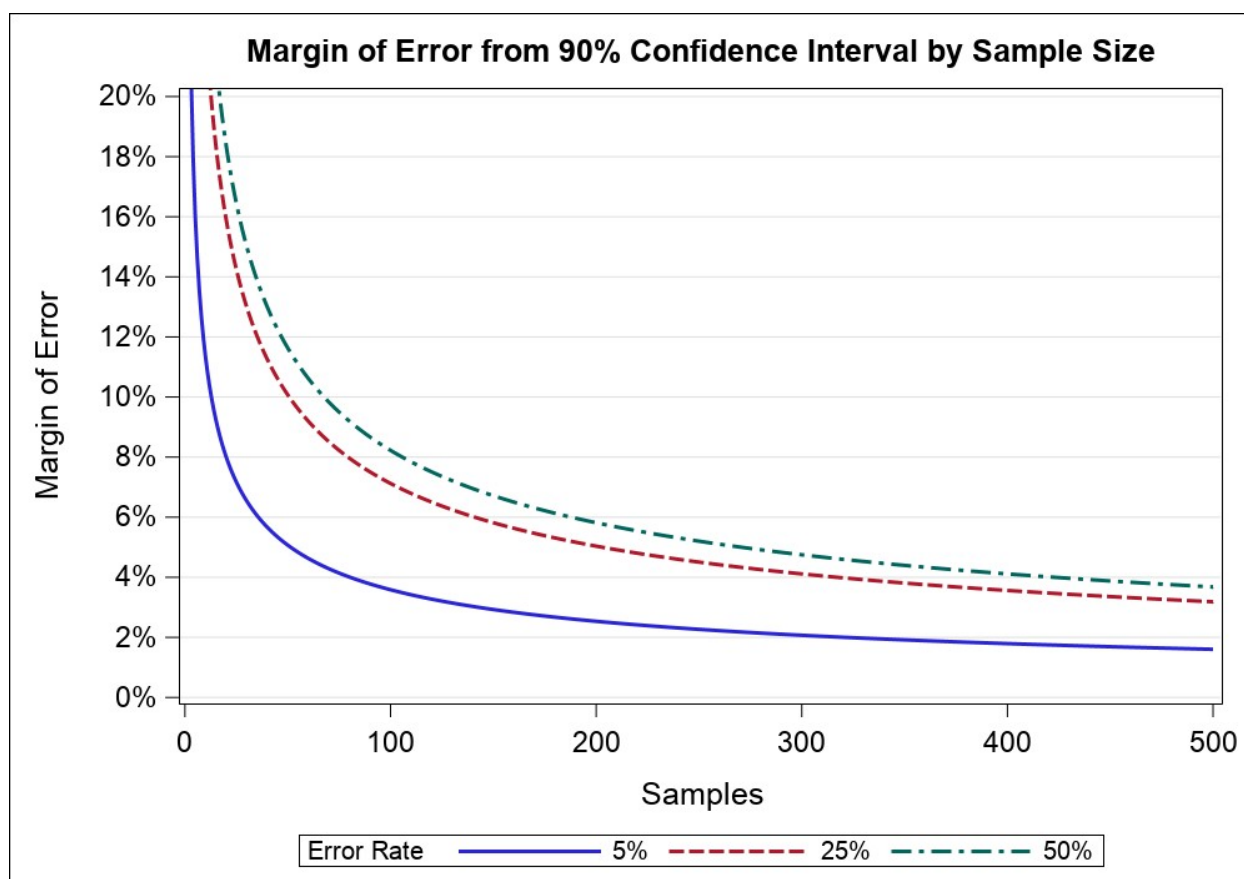


Figure C.1. Effect of sample size on margin of error.

Source: VA OIG statistician's analysis

Projections

Tables C.1 through C.4 detail the review team's analysis and projected results for medical opinions for nonpresumptive claims under the PACT Act provided before examiners completed PACT Act training within the review period.⁴⁹

⁴⁹ The OIG sometimes uses the generalized Clopper-Pearson method for estimating percentages (such as error rates) and totals based on these percentages. The advantage of this method is that the resulting confidence limits are generally very conservative. Based on the method by which Clopper-Pearson intervals are constructed, the margin of error cannot be simply subtracted from or added to the estimate to get a two-sided interval's lower and upper limits, respectively (as shown in tables C.1 and C.2).

**Table C.1. Statistical Projections Population Summary for VHA,
with a Two-Sided 90 Percent Confidence Interval**

Estimate name	Estimate number	Margin of error	Lower limit	Upper limit	Sample count	Sample size
Medical opinions in population	29,731	1,506	27,911	30,924	100	108

Source: VA OIG analysis.

Note: Projections and confidence intervals may not total precisely due to rounding.

**Table C.2. Statistical Projections Exceptions Summary for VHA,
with a Two-Sided 90 Percent Confidence Interval***

Estimate name	Estimate number	Margin of error	Lower limit	Upper limit	Sample count	Sample size
Medical opinions provided before training (training completed after August 1, 2023)	4,493	1,779	2,934	6,491	15	108
Above as percentage of population	15.1%	5.9%	9.9%	21.8%	15	100
Medical opinions provided before training (training completed before August 1, 2023)	4,156	1,750	2,638	6,139	14	108
Above as percentage of population	14.0%	5.9%	8.9%	20.6%	14	100
All medical opinions provided before training	8,650	2,243	6,546	11,031	29	108
Above as percentage of population	29.1%	7.4%	22.1%	36.9%	29	100

Source: VA OIG analysis.

Note: Projections and confidence intervals may not total precisely due to rounding.

* The term “exceptions” means the disability compensation examiners had not completed the PACT Act Key Terms and Medical Opinions course before providing medical opinions for nonpresumptive claims under the PACT Act.

**Table C.3. Statistical Projections Population Summary for VBA,
with a One-Sided 90 Percent Confidence Interval**

Estimate name	Estimate number	Margin of error	Lower bound	Sample count	Sample size
Medical opinions in population	47,970	3,817	44,153	108	181

Source: VA OIG analysis.

Note: Projections and confidence intervals may not total precisely due to rounding.

**Table C.4. Statistical Projections Exceptions* Summary for VBA,
with a One-Sided 90 Percent Confidence Interval**

Estimate name	Estimate number	Margin of error	Lower bound	Sample count	Sample size
Medical opinions provided before training	1,866	1,010	856	5	181
Above as percentage of population	3.9%	2.1%	1.8%	5	108

Source: VA OIG analysis.

Note: Projections and confidence intervals may not total precisely due to rounding.

** The term “exceptions” means the disability compensation examiners had not completed the PACT Act Key Terms and Medical Opinions course before providing medical opinions for nonpresumptive claims under the PACT Act.*

Appendix D: VA Management Comments

Department of Veterans Affairs Memorandum

Date: June 25, 2025

From: Under Secretary for Benefits (20)

Subj: Office of Inspector General (OIG) Draft Report – Review of Compensation and Pension (C&P)
Examiner Training Compliance. [Project No. 2024-00758-AE-0030] — [VIEWS 13106974]

To: Assistant Inspector General for Audits and Evaluations (52)

1. Thank you for the opportunity to review and comment on the OIG draft report: Review of Compensation and Pension (C&P) Examiner Training Compliance. The Veterans Benefits Administration (VBA) provides the attached response to the draft report.

<i>The OIG removed point of contact information prior to publication.</i>

(Original signed by)

Juana Devlin

Acting Principal Deputy Under Secretary for Benefits
Performing the Delegable Duties of the Under Secretary for Benefits

Attachment

Attachment

Veterans Benefits Administration (VBA)

Comments on OIG Draft Report

**Not All VA Disability Compensation Examiners Completed Training Before Providing PACT Act
Medical Opinions (Project Number (2024-01322-AE-0055))**

The Veterans Benefits Administration (VBA) concurs with OIG's draft report findings and provides no general or technical comments:

VBA provides the following comments in response to the recommendations in the OIG draft report:

Recommendation 1: Ensure a disability compensation examiner who has completed PACT Act training provides an independent assessment and medical opinion for the 29 VHA and five VBA nonpresumptive PACT Act opinions identified by the Office of Inspector General that were provided before completing PACT Act training, and readjudicate the claims as needed.

VBA Response: Concur. VBA will complete an independent assessment of the 34 PACT Act opinions identified by the Office of Inspector General and readjudicate the claims as needed. VBA will determine the target completion date once a plan for the assessments and readjudication are completed.

Target Completion Date: TBD

*For accessibility, the original format of this appendix has been modified
to comply with Section 508 of the Rehabilitation Act of 1973, as amended.*

OIG Contact and Staff Acknowledgments

Contact	For more information about this report, please contact the Office of Inspector General at (202) 461-4720.
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Review Team	Brett Byrd, Director Nakeshia Dent Rob Grooms Jason Hokanson Deidre Meibos Bryan Shaw
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Other Contributors	Allison Bennett Andrew Eichner Kendal Ferguson Jodi Treszoks
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