## Section B. Scheduling Examinations

#### Overview

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| In This Section | This section contains the following topics: |

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| Topic | Topic Name |
| 1 (old 14) | General Information on Scheduling Examinations |
| 2 (old 15) | Determining the Need for Review Examinations |

#### 1. General Information on Scheduling Examinations

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| Introduction | This topic contains general information about scheduling examinations, including   * general information on scheduling examinations * examinations for VA-employee claimants * exceptions for employees who work at an examining facility * scheduling examinations for conditions subject to temporary or episodic improvement * notification of scheduled examinations, and * scheduling specialist examinations. |

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| a. General Information on Scheduling Examinations | “Scheduling examinations”refers to the process by which the Veterans Benefits Administration (VBA) and either a Veterans Health Administration (VHA) examining facility or a contract examiner work together to set up a particular examination.  VBA will request the examination, which may involve notation of information pertinent to the time and place of the examination. However, the examining facility will actually set up the examination.  ***References***: For more information on   * examination requests, see M21-1, Part III, Subpart iv, 3.A * requesting examinations at an appropriate facility, see M21-1, Part III, Subpart iv, 3.A.1.b * inputting examination requests, see M21-1, Part III, Subpart iv, 3.A.12, and * requesting examinations in the geographic jurisdiction of another regional office (RO), see M21-1, Part III, Subpart iv, 3.A.12. |

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| b. Examinations for VA-Employee Claimants | In any case where an examination is needed and the claims folder contains *VA Form 20-0344*, *Annual Certification of Veteran Status and Veteran Relatives,* or there is a “VA Employee” flash on the outside of the claims folder, refer to the following table for appropriate action. |

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| If examination by a contract facility is … | Then clearly note on the examination request that the Veteran is an employee, and schedule the examination at the nearest ... |
| available | contract facility that ***does not*** employ the Veteran. |
| not available | VA facility that ***does not*** employ the Veteran. |

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| ***Important***: Make every attempt to avoid a conflict of interest when scheduling the examinations of VA employees. If the need for an exception arises, follow the guidance in M21-1, Part III, Subpart iv, 3.B.1.c.  ***References***: For more information on   * handling claims from employees and their relatives, see M21-1, Part III, Subpart ii, 1.C.5, and * temporary transfer of a claims folder to the employing RO for an examination, see M21-1, Part III, Subpart ii, 4.A.3.f. |

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| **c. Exceptions for Employees Who Work at An Examining Facility** | If an employee works at an examining facility and requires an examination in connection with a pending claim, request the examination from a different facility, as described in M21-1, Part III, Subpart iv, 3.B.1.b, ***unless*** the Veteran Service Center Manager (VSCM) determines an examination at the employing facility will not affect its integrity.  When a VSCM chooses to allow an examination of an employee at the same facility where he/she works, the VSCM must   * prepare a signed memorandum explaining the reason(s) for allowing the examination, and * file the memorandum in the claims folder.   ***Important***: An examining facility will reject an examination request if, while processing the request,   * it recognizes the Veteran as an employee of the facility, and * there is no indication in the claims folder (if provided) or the request that the VSCM has * acknowledged the employee-employer relationship, but * approved examination of the employee at the facility. |

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| d. Scheduling Examinations for Conditions Subject to Temporary or Episodic Improvement | Schedule the examination of disabilities subject to temporary or episodic improvement, such as skin conditions and other disabilities listed in [38 CFR 3.344](http://www.ecfr.gov/cgi-bin/text-idx?SID=92008dfecc8b6f4164213583622b454d&node=se38.1.3_1344&rgn=div8), when the conditions are most likely to show representative or claimed symptoms.  If there is specific competent information that a disability is worse at predictable times, schedule the examination based on that information.  ***Examples***:   * If a Veteran’s symptoms become worse after work, the examining facility should be asked to examine the Veteran at the end of the day. * If a disability is subject to periodic flare-ups, and the record does not contain specific competent information on when a flare-up can be observed, the Veteran can provide the information about the peak periods of the disability and contact the RO when the condition worsens. (***Note***: If the Veteran received treatment for the worsened condition, he/she should be asked to submit evidence of the treatment.)   ***Important***: Under the Acceptable Clinical Evidence (ACE) process, VHA examiners may be able to complete a fully adequate Disability Benefits Questionnaire (DBQ) capturing representative or claimed symptoms to include periods of exacerbation and improvement based on review of existing evidence and/or a telephone interview in lieu of an in-person clinical examination or testing.  ***References***: For more information on   * submitting evidence of a worsened condition, see * [*Bowers v. Brown*](http://vbaw.vba.va.gov/bl/21/Advisory/CAVCDAD.htm#bmb)*,* 2 Vet. App. 675, 676 (1992), and * [*Ardison v. Brown*](http://vbaw.vba.va.gov/bl/21/Advisory/CAVCDAD.htm#bma)*,* 2 Vet. App. 405 (1994), and * ACE process examinations, see M21-1, Part III, Supart iv, 3.A.1. |

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| e. Notification of Scheduled Examinations | The VHA scheduling clinic or contract examiner normally advises the claimant of the time and place of the scheduled examination. |

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| f. Scheduling Specialist Examinations | Department of Veterans Affairs (VA) medical centers (VAMCs) schedule specialist examinations only when requested to do so.  ***Reference***: For more information on specialist examinations see M21-1, Part III, Subpart iv, 3.A.8. |

#### 2. Determining the Need for Review Examinations

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| Introduction | This topic contains information about determining the need for review examinations, including   * criteria for requesting review examinations * scheduling future review examinations in compensation cases * when not to schedule review examinations * when review examination shows improvement of a stabilized disability * scheduling reexaminations in pension cases * documenting the cancellation of review examinations * failure to report for a review examination, and * rating action taken if an examination is canceled. |

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| a. Criteria for Requesting Review Examinations | Request a review examination whenever   * there is a need to verify either the continued existence or the current severity of a disability * it is likely that a disability has improved * evidence indicates there has been a material change in a disability * the current rating may be incorrect, or * it is otherwise required by the regulation or diagnostic code (DC) under which the Veteran is service connected.   ***Note***: Do *not* request a review examination solely to confirm evidence listed in [38 CFR 3.326(b) and (c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=701766796419185783305987e4179efb&node=se38.1.3_1326&rgn=div8) that is otherwise adequate for rating.  ***Reference***: For more information on the criteria for requesting a review examination, see [38 CFR 3.327](http://www.ecfr.gov/cgi-bin/text-idx?SID=701766796419185783305987e4179efb&node=se38.1.3_1327&rgn=div8). |

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| b. Scheduling Future Review Examinations in Compensation Cases | Exercise prudent judgment and refer to [38 CFR 3.327(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=701766796419185783305987e4179efb&node=se38.1.3_1327&rgn=div8) in determining the need for review examination. It is the policy of VBA to request future examinations only when absolutely necessary and every effort should be made to limit cases where future examinations are requested. Consider whether   * the Veteran’s current condition is an acute exacerbation * the Veteran is still recuperating following hospitalization, and * improvement or recovery can be anticipated.   After determining the need for a routine future examination, schedule the examination *five years* from the date of the rating decision, with the following exceptions   * prestabilization rating decisions under [38 CFR 3.327](http://www.ecfr.gov/cgi-bin/text-idxhttp:/www.ecfr.gov/cgi-bin/text-idx?SID=701766796419185783305987e4179efb&node=se38.1.3_1327&rgn=div8) * discharge from military service due to a mental disorder caused by traumatic stress under [38 CFR 4.129](http://www.ecfr.gov/cgi-bin/text-idx?SID=e80956928eaae6689e418e441a61025c&node=se38.1.4_1129&rgn=div8) * malignancies that require reevaluation six months following cessation of treatment for active disease, and * any other future examination required under other sections of 38 CFR Part 3 and Part 4.   ***Important***: Medical evidence from any of the sources listed in [38 CFR 3.326(b) and (c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=701766796419185783305987e4179efb&node=se38.1.3_1326&rgn=div8) may satisfy the need for reexamination.  ***Reference***: For more information on scheduling review examinations following periods of convalescence, see M21-1, Part IV, Subpart ii, 2.J.6. |

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| c. When Not to Schedule Review Examinations | Do *not* request reexaminations in cases when   * the disability is static, without material improvement over five years * the disability is permanent in character and of such nature that there is no likelihood of improvement * the Veteran is over 55 years of age (except under circumstances where required by regulation, such as convalescence after surgery.) * the evaluation is the prescribed schedular minimum within its diagnostic code * the evaluation is 10 percent or less, or * the combined evaluation would not change even if the reexamination resulted in a reduced evaluation for one or more disabilities.   ***Important***: When deciding if a disability is static or not, only order a future examination if there is objective evidence stating clearly a disability is likely to improve.  ***Reference***: For more information on when *not* to schedule reexaminations, see [38 CFR 3.327(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=e80956928eaae6689e418e441a61025c&node=se38.1.3_1327&rgn=div8). |

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| d. When Review Examination Shows Improvement of a Stabilized Disability | When the results of a review examination show improvement of a stabilized disability, and it is determined another review examination is needed, schedule it 18, 24, or 30 months from the date of the new rating.  ***References***: For more information on   * stabilization of disability evaluations, see [38 CFR 3.344](http://www.ecfr.gov/cgi-bin/text-idx?SID=92008dfecc8b6f4164213583622b454d&node=se38.1.3_1344&rgn=div8), and * reduction in evaluation of a stabilized disability, see M21-1, Part III, Subpart iv, 8.D.2. |

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| e. Scheduling Reexaminations in Pension Cases | Do not routinely request reexamination in disability pension cases.  ***Note***: If a reexamination is scheduled, fully explain the reason for reexamination in the *Reasons and Bases* section of the rating decision.  ***Reference***: For more information on reexaminations, see [38 CFR 3.327](http://www.ecfr.gov/cgi-bin/text-idx?SID=e80956928eaae6689e418e441a61025c&node=se38.1.3_1327&rgn=div8). |

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| f. Documenting the Cancellation of Review Examinations | If a future examination control, *810 series work item, or 631A Future Physical Examination* is canceled, place a note in the Veterans Benefits Management System (VBMS) as to the reason for cancellation.    ***References***: For more information on   * action when the control period for the future examination matures, see M21-1, Part III, Subpart iv, 3.C.2.d, and * rating action after a future examination is canceled, see M21-1, Part III, Subpart iv, 3.B.2.h. |

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| g. Failure to Report for a Review Examination | For more information on what to do when the claimant fails to report for a review examination, see M21-1, Part III, Subpart iv, 8.E.1.  ***Important:*** According to [VAOPGCPREC 04-91](http://www.va.gov/ogc/docs/1991/PREC_04-91.doc), a Veteran’s refusal to participate in an examination without the presence of an attorney or a recording device will be considered a failure to report for examination under [38 CFR 3.655](http://www.ecfr.gov/cgi-bin/text-idx?SID=eab3e5e1da2fbdf958a6039cf337d523&node=se38.1.3_1655&rgn=div8). |

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| h. Rating Action Taken If Examination Is Canceled | Use the following table to determine the rating action to take if an examination is canceled. |

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| If … | Then … |
| it is determined that a future examination should be canceled and the Veteran is receiving total compensation, either by   * reason of 100 percent schedular evaluation, or * entitlement to individual unemployability | * prepare a rating decision establishing basic eligibility for Dependents’ Educational Assistance (DEA), and * take action to provide notice of potential entitlement to DEA.   ***References***: For more information on   * preparing a rating decision for DEA, see M21-1, Part IX, Subpart ii, 2.1 * establishing an effective date of permanency, see M21-1, Part IX, Subpart ii, 2.1, and * taking action to provide notice of entitlement to DEA, see M21-1, Part III, Subpart iii, 6.C. |