

## Benefits Critical Issues

### 3 Monitor Implementation of the PACT Act

With the passage of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (PACT Act) (Public Law 117-168) in August 2022, monitoring the implementation of this comprehensive legislation will be key to ensuring veterans can access their benefits and services. The PACT Act added more than 20 presumptive conditions related to toxic exposures, expanded health care for toxic-exposed veterans, and created a process for the Department of Veterans Affairs (VA) to consider additional presumptive conditions for any toxic exposure. Veterans from around the country advocated for the successful passage of this historic legislation. It is now just as important to ensure the PACT Act is implemented properly and VA has the resources to do so effectively.

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#### Claims, Exams, and Adjudication

Congressional oversight of VA's disability claims process will be critical throughout the implementation of the PACT Act. Transparency and data sharing are key to understanding VA's ability to carry out the provisions of the legislation. It is important to monitor the number of PACT Act claims filed, how these claims impact workload, how many are approved and denied, and why. Understanding how VA manages the increase in claims will help Congress understand where resources are needed. In addition, resources must be used

efficiently. For example, for many of the new PACT Act presumptive conditions, a service record and a current diagnosis should be sufficient to determine service connection. In these and other applicable cases, it may be unnecessary to require additional medical exams, which could further delay veterans claims. Using resources efficiently can ensure veterans receive their benefits without adding unnecessary delays.

Additionally, the Independent Budget veterans service organizations (IBVSOs) have witnessed an increase in predatory practices by unaccredited claims agents since the COVID-19 pandemic and with the recent passage of the PACT Act. Veterans may be vulnerable to companies that charge high fees to assist with claims, offering promises of increased disability ratings. Outreach and communications to veterans and raising awareness about these companies and how VA-accredited representatives can provide better assistance will be important in protecting veterans and their earned benefits.

#### The IBVSOs Recommend ✓

- ★ Congress conduct oversight of all disability claims, including those related to the PACT Act, and require VA provide data on claims granted and denied, quality of exams and processing, as well as transparency regarding quality assurance.
- ★ Congress pass legislation to reinstate penalties to crack down on bad actors that charge inappropriate fees for claims assistance.

#### Improve IT Systems, Develop and Monitor Claims Automation

To manage the increase in disability claims at VA, the Veterans Benefits Administration (VBA) and the Board of Veterans' Appeals need funding and resources to develop new IT systems and reprogram existing ones. While VA has increased its staffing levels for claims

Benefits Management System (VBMS), which serves as the backbone for disability compensation claims processing. The VBA's IT systems are overdue for a significant update, which will require substantial investment and a clear action plan.

Congressional oversight over VA's use of automation will be necessary to ensure that claims are processed promptly and accurately. Automation will be particularly helpful with PACT Act presumptive conditions that require less development, such as active cancers, where there is a need to process claims more quickly. While automation can assist in a faster claims process, the IBVSOs strongly advise that ratings specialists continue to provide the final review and decision even after a claim has been processed through an automated system. IT systems alone should not determine a rating decision without VBA staff reviewing for accuracy.

### The IBVSOs Recommend ✓

- ★ Congress provide VBA and the Board of Veterans' Appeals the necessary funding and resources to improve IT systems and monitor claims automation processes.
- ★ VA ensure that disability rating decisions are reviewed by a ratings specialist, particularly if any part of the claim has been through an automated process.

### Training and Resources

Provisions within the PACT Act require VA to develop and provide toxic exposure training for claims specialists and health care providers. Reports in 2021 and 2022 by VA's Office of Inspector General indicated that many of the identified errors that led to unfairly denied claims were a result of a lack of training.

### The IBVSOs Recommend ✓

- ★ Congress conduct oversight to ensure VA's toxic exposure training is effective and conducted annually.



### Health Care Eligibility

The PACT Act also extends health care eligibility to toxic-exposed veterans covered by the law but does so in five phases over the next 10 years. The IBVSOs are concerned that some veterans exposed to burn pits and other environmental hazards would have to wait up to a decade before becoming eligible for VA care, particularly when early detection and treatment might prevent serious negative health outcomes. ◆

### The IBVSOs Recommend ✓

- ★ VA and Congress work together to make the administrative, regulatory, and statutory changes necessary to accelerate the phase-in of health care eligibility for all toxic-exposed veterans covered by the PACT Act.