

COMPENSATION AND PENSION (C&P) EXAMINATION REPORT RELEASE OF INFORMATION

1. REASON FOR ISSUE: This Veterans Health Administration (VHA) directive establishes policy for release of Compensation and Pension (C&P) examination reports to claimants for VA disability benefits.

2. SUMMARY OF CONTENT: This directive establishes timelines governing release of C&P progress notes, which are C&P examination reports, to claimants for VA disability benefits through appropriate methods including VA online services such as My HealtheVet's Blue Button.

3. RELATED ISSUES: VHA Directive 1134, Provision of Medical Statements and Completion of Forms by VA Health Care Providers, dated November 28, 2016; VHA Directive 1605.01, Privacy and Release of Information, dated August 31, 2016; VHA Directive 1046, Disability Examinations, dated December 6, 2018; VHA Handbook; and 1907.01, Health Information Management and Health Records, dated March 19, 2015.

4. RESPONSIBLE OFFICES: The Office of Health Information Management (10A7B), Office of Health Informatics (10A7) is responsible for the health information management and release of information content of this directive. Questions may be referred to (217) 649-3691 or VHAHIGHIMVASTAFF@va.gov. The Office of Disability and Medical Assessment (10NC8) is also responsible for the compensation and pension content of this directive. Questions may be referred to (202) 461-6699 or CORPORATEMAILBOX.DMA@va.gov.

5. RESCISSIONS: None.

6. RECERTIFICATION: This VHA directive is scheduled for recertification on or before the last working day of August 31, 2024. This VHA directive will continue to serve as national VHA policy until it is recertified or rescinded.

**BY THE DIRECTION OF THE UNDER
SECRETARY FOR HEALTH:**

/s/ Steven L. Lieberman, MD, MBA, FACHE
Principal Deputy Under Secretary for Health

NOTE: All references herein to VA and VHA documents incorporate by reference subsequent VA and VHA documents on the same or similar subject matter.

August 22, 2019

VHA DIRECTIVE 6370

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COMPENSATION AND PENSION (C&P) EXAMINATION REPORT RELEASE OF INFORMATION

1. PURPOSE

This directive establishes timelines governing the release of C&P progress notes, which are C&P examination reports, to claimants for VA disability benefits through appropriate methods including VA online services such as My HealtheVet's Blue Button. **AUTHORITY:** Title 5 United States Code (U.S.C.) 552a(d) and Title 45 Code of Federal Regulations (CFR) 164.524.

2. BACKGROUND

a. VHA C&P examiners complete C&P examination reports as requested by the Veterans Benefits Administration (VBA) as part of VA's disability benefits claim process. Upon completion, C&P examination reports are made available to VBA for use as part of the development of evidence for review in adjudicating the claims for VA disability benefits.

b. C&P examination reports completed by VHA, either as a C&P disability examination pursuant to a VBA request or as evidence for a claimant to submit to support a claim for VA disability benefits, are part of VHA's Privacy Act system of records (24VA10P2), Patient Medical records-VA. For VHA's system of records, the C&P examination reports are documented as a progress note in VA's information technology applications immediately upon completion.

3. POLICY

It is VHA policy that a VHA C&P examination report will not be available to the claimant via Release of Information (ROI) including through VA online services such as My HealtheVet's Blue Button until 20-business days following completion of the C&P examination report.

4. RESPONSIBILITIES

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for ensuring compliance with this directive.

b. **Principle Deputy Under Secretary for Health.** The Principle Deputy Under Secretary for health is responsible for overseeing the implementation of this directive.

c. **Chief Officer, Office of Disability and Medical Assessment.** The Chief Officer, Office of Disability Medical Assessment is responsible for supporting the VHA C&P clinics in the ROI process for responding to requests for information for C&P examination reports.

d. **Director, Health Information Management Program Office.** The Director, Health Information Management (HIM) Program Office is responsible for:

(1) Providing guidance, in conjunction with the VHA Privacy Office, for processing requests for copies of C&P examination reports through ROI, in accordance with the requirements of VHA Directive 1605.01, Privacy and Release of Information, dated August 31, 2016.

(2) Ensuring existing local C&P examination reports with C&P note titles mapped to the national standard note titles of C&P are not made available for release or download until 20-business days following completion of the C&P examination report by VHA ROI departments including any VA online services such as My HealthVet Blue Button

e. **Veterans Integrated Service Network Director.** Each Veterans Integrated Service Network (VISN) Director is responsible for ensuring VA medical facilities in their VISN follow this directive, and follow any training provided by the HIM Program Office, which can be found at: https://vaww.vha.vaco.portal.va.gov/sites/HDI/HIM/vaco_HIM/subsite5/subsite3/Training%20Resources/Forms/AllItems.aspx. **NOTE:** *This is an internal VA Web site that is not available to the public.*

f. **VA Medical Facility Director.** The VA medical facility Director is responsible for:

(1) Ensuring local ROI and C&P departments follow the training and policies provided by the HIM Program Office.

(2) Ensuring all requests for copies of C&P examination reports go through the VA medical facility ROI department. No other employee in the facility, including C&P examiners, administrative staff, or coordinators, can release the C&P examination reports.

g. **VA Medical Facility Chief, Health Information Management.** Each VA medical facility Chief, HIM is responsible for:

(1) Ensuring ROI policies and procedures for releasing C&P examination reports are followed, as outlined in VHA Directive 1605.01.

(2) Ensuring VA medical facility ROI staff are trained on the policy in this directive.

5. TRAINING

There are no formal training requirements associated with this directive. Recommended training can be found at:

https://vaww.vha.vaco.portal.va.gov/sites/HDI/HIM/vaco_HIM/subsite5/subsite3/Training%20Resources/Forms/AllItems.aspx. **NOTE:** *This is an internal VA Web site that is not available to the public.*

6. RECORDS MANAGEMENT

All records regardless of format (e.g., paper, electronic, electronic systems) created by this directive shall be managed per the National Archives and Records

Administration (NARA) approved records schedules found in VA Records Control Schedule 10-1. Questions regarding any aspect of records management should be addressed to the appropriate Records Manager or Records Liaison.

7. REFERENCES

- a. 5 U.S.C. 552a(d).
- b. 38 CFR 3.326 and 3.7.
- c. 45 CFR 164.524.
- d. VHA Directive 1605.01, Privacy and Release of Information, dated August 31, 2016.