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This Fall

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Groups Find Trauma Rule for Veterans Lacking

By **JAMES DAO**

A new federal regulation that is intended to make it easier for veterans to receive disability benefits for [post-traumatic stress disorder](#) is coming under fire from some of the advocates who had pushed for it.

The rule, which takes effect Tuesday, eliminates a requirement that veterans document specific events like firefights or bomb blasts that might have caused their [P.T.S.D.](#), whose symptoms include emotional numbness, [anxiety](#), [irritability](#) and flashbacks. Such documentation was often difficult or even impossible to find, veterans groups say.

In his weekly radio address on Saturday, [President Obama](#) hailed the new rule as a “long-overdue step,” saying, “I don’t think our troops on the battlefield should have to take notes to keep for a claims application.”

But veterans advocates say that while the rule is a major improvement, it does not go far enough in lowering obstacles to veterans seeking health care or disability compensation for [P.T.S.D.](#)

At issue is a provision saying that a final determination on whether a veteran’s disorder is tied to service — instead of, say, a car crash — can be made only by a physician or psychologist working for the [Department of Veterans Affairs](#). Advocates have urged the department to allow private clinicians to make those determinations as well.

Department officials say the provision is intended to ensure consistency in examinations. They assert that [mental health](#) clinicians affiliated with the department are likely to have greater

experience with P.T.S.D. and be better able not only to detect it but also weed out “malingerers.”

But veterans groups say private clinicians often do more thorough examinations than federal ones. In many of those cases, the private clinicians are already treating the veterans and are thus familiar with their problems.

In such cases, the advocates say, the government should accept the word of the private clinician that the disorder is related to service, making the veteran eligible for benefits. Those benefits include free care in the veterans health system and monthly disability checks that can range up to about \$2,700, depending on the severity of the disability.

Richard Cohen, executive director of the National Organization of Veterans' Advocates, a membership group for legal representatives, said he had handled cases in which federal clinicians with minimal experience with P.T.S.D. had rejected legitimate claims. He also said department examinations were often cursory, even though widely accepted protocols recommend detailed testing.

Federal officials said that veterans were free to submit materials from private doctors, but that the department would not be required to accept them. In cases where a private diagnosis conflicted with the government's opinion, Mr. Cohen said, the department would be likely to reject the private diagnosis.

“You can't assume these veterans are going to get sympathetic and accurate exams” from the government, Mr. Cohen said. “For that reason, I don't see this helping anything.”

Paul Sullivan, executive director of Veterans for Common Sense, a nonprofit group, said that federal clinicians and claims adjudicators were often adversarial in dealing with veterans seeking benefits. As a result, many veterans prefer going to private clinicians.

“V.A. needs to train their examination staff so that they understand that P.T.S.D. is associated with deployment,” Mr. Sullivan said. “It's a cultural thing.”

In a news conference announcing the new rule on Monday, [Dr. Robert A. Petzel](#), the department's under secretary for health, said the department rejected requests to allow private clinicians to make final diagnoses because, “We've got 20,000 professionals who are excellent

in handling this.” The assertion that federal clinicians “would create barriers doesn’t ring true to me,” Dr. Petzel added. “Our people are very desirous to get these benefits to the people that deserve them.”

Some advocates said they hoped Representative John Hall, a New York Democrat who has championed legislation similar to the new rule, would push for passage of his bill, because it would allow private mental health professionals to make final diagnoses of P.T.S.D. in disability cases.

In an interview, Mr. Hall said he was considering that, mainly so that the rule could be made permanent in federal law. A regulation, he noted, could be discarded by a future administration.