

Military Update:

After 18 months of review by his department, VA Secretary David J. Shulkin awkwardly announced Wednesday that he plans to “further explore” adding ailments to the list of compensable conditions VA presumes were caused by exposure to Agent Orange and other herbicides used during the Vietnam War.

The decision to punt long-anticipated decisions on Agent Orange-related ailments will disappointment thousands of aging veterans with bladder cancer, hypothyroidism, Parkinson-like tremors and hypertension (high blood pressure).

Veterans and survivors were hopeful some or all of those conditions would be added to VA’s presumptive list of ailments linked to wartime herbicides, based on the latest and final review of medical and scientific literature on Agent Orange from the National Academy of Medicine (formerly known as the Institute of Medicine).

Instead, on the Nov. 1 deadline date that VA itself had set for this packet of decisions, Shulkin issued a brief statement at 6 p.m. promising only more delay.

“After thoroughly reviewing the National Academy of Medicine (NAM)’s latest report regarding veterans and Agent Orange, and associated data and recommendations from [VA’s] NAM Task Force, I have made a decision to further explore new presumptive conditions for service connection that may ultimately qualify for disability compensation. I appreciate NAM’s work and the commitment and expertise of [my] Task Force, and look forward to working with the [Trump] administration on the next steps in the process.”

A last sentence, not attributed to Shulkin, explained that the VA “will begin work with the administration to concurrently conduct a legal and regulatory review of these potential presumptive conditions for awarding disability compensation to eligible veterans.”

In the past, VA began a regulatory review only after the Secretary approved new ailments for the list. Shulkin hasn’t name any new illnesses. In conceding that VA experts already had “thoroughly” reviewed the latest science, however, Shulkin seemed to signal that parties elsewhere in the Trump administration didn’t want a VA announcement at this time rejecting or embracing new conditions.

“We thought we were going to get a decision sometime today,” said Rick Weidman, executive director for policy and government affairs for Vietnam

Veterans of America. “Obviously we were mistaken. What they issued, to quote Sarah Huckabee Sanders [White House press secretary], is a Nothing Burger.”

“I am shocked and dismayed if this is the VA Secretary’s decision, to continue to delay,” emailed Carla Dean, who lost her husband, a Vietnam veteran, to bladder cancer last year. Now president of the Bladder Cancer Foundation of Florida, Dean said she remained hopeful that Shulkin will do the “right thing soon.”

One Vietnam veteran from Wisconsin who has fought bladder cancer since 2006 expressed “complete disappointment” with Shulkin’s statement. Asking that his name be withheld, he said he served at a “heavily sprayed” combat base in Quang Tri province. Lifelong residual effects of bladder cancer surgery, he said, include incontinence, impotence, severe weight loss and fatigue. He twice has been denied VA disability compensation because his cancer is not “presumptive.” list.

“I have talked to many other vets and the general feeling is that if the VA delays long enough, there won’t be any veterans left to worry about compensating for Agent Orange, because we will all have passed,” he said.

A spokesman for Rep. Phil Roe (R-Tenn.), chairman of the House Veterans Affairs Committee, said he is reviewing VA’s announcement. But Roe “believes veterans waiting for a final decision deserve certainty, and [he] hopes Secretary Shulkin will work quickly to finish the legal and regulatory reviews.”

Dr. Kenneth S. Ramos, associate vice president for Precision Health Sciences and a professor of medicine at the University of Arizona, chaired the committee of medical experts that produced the NAM report that Shulkin has deferred acting on.

Ramos said his “gut reaction” to the statement “is that it’s positive. It’s very encouraging that the recommendations brought forth by the committee were thoroughly evaluated and are being considered for reevaluation by the department.” Ramos added, “The tone suggests receptivity to the seed that the National Academy has provided...When you look at past experience, any change in compensation policies seems to take time moving through the system.”

NAM delivered its report, *Veterans and Agent Orange: Update 2014*, to VA in March last year, after reviewing medical and scientific literature published from Oct. 1, 2012, through Sept. 30, 2014. NAM found evidence to support changing the strength of association between herbicide exposure and several ailments.

For bladder cancer and hypothyroidism, it found “limited or suggestive” evidence of an association to herbicide exposure, an upgrade from “inadequate or insufficient” evidence found earlier. For some ailments, including Parkinson’s and ischemic heart disease, limited or suggestive evidence has been judged strong enough to add the illnesses to the presumptive list. For other diseases, including hypertension, which is common in an aging population, it hasn’t been enough.

The NAM review also looked again at cardiovascular conditions and herbicide exposure. It didn’t upgrade the link to heart ailments but it did affirm limited or suggestive evidence that hypertension is linked to herbicide exposure.

It also studied whether conditions with Parkinson’s-like symptoms should fall into the same limited or suggestive category as Parkinson’s disease itself. NAM found “no rational basis” for excluding Parkinson-like symptoms from the same risk category. Parkinson’s disease was added to VA’s presumptive list in 2010.

Under a law Congress let expire in 2015, the VA Secretary had 180 days to consider a NAM report before deciding whether to expand the list of presumptive diseases to trigger automatic eligibility for disability compensation. Shulkin is under no such deadline. But a VA study group, followed by a VA task force, reviewed the NAM report. At one point a senior VA official predicted that by July 2016 then-VA Secretary Bob McDonald would have what he needed to decide on new presumptive ailments. Yet a year passed and McDonald opted to leave those decisions for the Trump administration. Shulkin had been McDonald’s top health official during the NAM review period.

By late summer this year, Shulkin promised a decision on new ailments to the presumptive list by Nov. 1. Weidman said he suspects the White House’s Office of Management and Budget blocked any plan to add new ailments to the list.

Weidman said members of Vietnam Veterans of America “are going to be really angry” with more delay, because “there is probably enough evidence now for the Secretary to declare other ailments” as tied to Agent Orange exposure, “glioblastoma first among them.” And sailors and Marines who served aboard ship off Vietnam, the Blue Water Veterans, should have been deemed eligible like ground forces for compensation for presumptive ailments long ago, Weidman said.

“The ball is now in Trump’s court,” he added. “It’s not something now that Obama did or did not do.”