

## As added by COST of War Act

### **38 U.S.C. § 1168. Medical nexus examinations for toxic exposures**

(a) IN GENERAL.— Except as provided in subsection (c), if a covered veteran submits to the Secretary a claim for compensation for a service-connected disability under section 1110 of this title relating to a toxic exposure or exposure to a substance, chemical, or hazard listed in section 1120(c) of this title during active military, naval, or air service, and such evidence is not sufficient to establish a service connection for the disability, the Secretary shall—

    (1) provide the veteran with a medical examination of the claimed disability relating to such exposure;

    (2) provide the veteran the option to have the examination provided under paragraph (1) conducted by a specialist in the field of medicine which covers the specifically claimed disability; and

    (3) request a medical opinion, as part of the medical examination provided under paragraph (1), as to whether it is at least as likely as not that there is a nexus between the claimed disability and the exposure.

(b) COVERED VETERANS.—For purposes of this section, a covered veteran is—

    (1) a veteran presumed under section 1119(a) of this title to have been subject to a toxic exposure; or

    (2) a veteran presumed under subsection (a) of section 1120 of this title to have been exposed to a substance, chemical, or hazard listed in subsection (c) of such section.

(c) EXCEPTION.—Subsection (a) shall not apply in a case in which a covered veteran claims a disability that is clearly unrelated to the claimed exposure.

(d) CONSIDERATIONS IN PROVISION OF MEDICAL OPINIONS.—When providing the Secretary with a medical opinion requested under subsection (a)(3), the examiner shall consider the total potential exposure through all applicable military deployments, and the synergistic, combined effect of all applicable toxic exposure risk activities.