

113TH CONGRESS
2D SESSION

H. R. 4630

To amend title 10, United States Code, to provide for certain behavioral health treatment under TRICARE for children and adults with developmental disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2014

Mr. LARSON of Connecticut (for himself and Mr. ROONEY) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for certain behavioral health treatment under TRICARE for children and adults with developmental disabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Caring for Military
5 Children with Developmental Disabilities Act of 2014”.

1 **SEC. 2. BEHAVIORAL HEALTH TREATMENT OF DEVELOP-**
2 **MENTAL DISABILITIES UNDER THE TRICARE**
3 **PROGRAM.**

4 (a) BEHAVIORAL HEALTH TREATMENT OF DEVEL-
5 OPMENTAL DISABILITIES UNDER TRICARE.—Section
6 1077 of title 10, United States Code, is amended by add-
7 ing at the end the following new subsection:

8 “(g)(1) Subject to paragraph (4), in providing health
9 care under subsection (a), the treatment of developmental
10 disabilities (as defined by section 102(8) of the Develop-
11 mental Disabilities Assistance and Bill of Rights Act of
12 2000 (42 U.S.C. 15002(8))), including autism spectrum
13 disorder, shall include behavioral health treatment, includ-
14 ing applied behavior analysis, when prescribed by a physi-
15 cian or psychologist.

16 “(2) In carrying out this subsection, the Secretary
17 shall ensure that—

18 “(A) except as provided by subparagraph (B),
19 behavioral health treatment is provided pursuant to
20 this subsection—

21 “(i) in the case of such treatment provided
22 in a State that requires licensing or certifi-
23 cation of applied behavioral analysts by State
24 law, by an individual who is licensed or certified
25 to practice applied behavioral analysis in ac-
26 cordance with the laws of the State; or

1 “(ii) in the case of such treatment provided
2 in a State other than a State described in
3 clause (i), by an individual who is licensed or
4 certified by a State or an accredited national
5 certification board; and

6 “(B) applied behavior analysis or other behav-
7 ioral health treatment may be provided by an em-
8 ployee, contractor, or trainee of a person described
9 in subparagraph (A) if the employee, contractor, or
10 trainee meets minimum qualifications, training, and
11 supervision requirements as set forth in applicable
12 State law, by an appropriate accredited national cer-
13 tification board, or by the Secretary.

14 “(3)(A) This subsection shall not apply to a medicare
15 eligible beneficiary (as defined in section 1111(b) of this
16 title).

17 “(B) Nothing in this subsection shall be construed
18 as limiting or otherwise affecting the benefits provided to
19 a covered beneficiary under—

20 “(i) this chapter;

21 “(ii) title XVIII of the Social Security Act (42
22 U.S.C. 1395 et seq.); or

23 “(iii) any other law.

24 “(4) In addition to the requirement under section
25 1100(c)(1) of this title, with respect to retired members

1 of the Coast Guard, the Commissioned Corps of the Na-
2 tional Oceanic and Atmospheric Administration, or the
3 Commissioned Corps of the Public Health Service, or de-
4 pendants of any such retired members, treatment shall be
5 provided under this subsection in a fiscal year only to the
6 extent that amounts are specifically provided in advance
7 in appropriations Acts for the Defense Health Program
8 Account for the provision of such treatment for such fiscal
9 year.”.

10 (b) FUNDING.—Section 1100 of title 10, United
11 States Code, is amended—

12 (1) by redesignating subsection (c) as sub-
13 section (d); and

14 (2) by inserting after subsection (b) the fol-
15 lowing new subsection (c):

16 “(c) BEHAVIORAL HEALTH TREATMENT OF DEVEL-
17 OPMENTAL DISABILITIES.—(1) Funds for treatment
18 under section 1077(g) of this title may be derived only
19 from the Defense Health Program Account. Notwith-
20 standing any other provision of law, such funds may not
21 be reimbursed from any account that would otherwise pro-
22 vide funds for the treatment of retired members of the
23 Coast Guard, the Commissioned Corps of the National
24 Oceanic and Atmospheric Administration, or the Commis-

1 sioned Corps of the Public Health Service, or dependents
2 of any such retired members.

3 “(2) As provided for in paragraph (4) of section
4 1077(g), with respect to retired members of the Coast
5 Guard, the Commissioned Corps of the National Oceanic
6 and Atmospheric Administration, or the Commissioned
7 Corps of the Public Health Service, or dependents of any
8 such retired members, treatment under such section shall
9 be provided in a fiscal year only to the extent that
10 amounts are specifically provided in advance in appropria-
11 tions Acts for the Defense Health Program Account for
12 the provision of such treatment for such fiscal year.”.

13 (c) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that amounts should be appropriated for behavioral
15 health treatment of TRICARE beneficiaries, pursuant to
16 the amendments made by this section, in a manner to en-
17 sure the appropriate and equitable access to such treat-
18 ment by all such beneficiaries.

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