Chapter 18 Section 4

Expanded Eligibility Under The National Defense Authorization Act For Fiscal Years 20014 And 2005 (NDAA FY 2004 And 2005)

1.0 PURPOSE

The National Defense Authorization Act for Fiscal Year (NDAA FY 2004) includes two specific provisions at Sections 703 and 704 which, while not creating any new classes of beneficiaries or changes in coverage, do serve to expand the period of TRICARE eligibility previously applicable to certain existing classes of beneficiaries under current provisions. The NDAA FY 2005 (Public Law [PL] 108-375) provisions at Sections 703 and 706 extends eligibility for the program changes from the NDAA for FY 2004 provisions at Sections 703 and 704. The NDAA FY 2005 provides a permanent expansion of TRICARE eligibility to the existing classes of beneficiaries.

2.0 BACKGROUND

The Emergency Supplemental Appropriations Act for Defense for FY 2004 (PL 108-106), signed by the President on November 6, 2003 and the NDAA FY 2004 (PL 108-136) Title VII, Subtitle A, signed by the President on November 24, 2003 establishes enhanced TRICARE and medical benefits for reserve members. The NDAA FY 2005 further extended eligibility and made these benefits permanent.

3.0 POLICY AND ELIGIBILITY

3.1 Section 703 expands the period of time that a reservist is considered to be on active duty for the purpose of TRICARE eligibility.

3.1.1 A Reserve Component (RC) member who is issued a delayed-effective-date active duty order on November 6, 2003 or later will now be considered as being on active duty for more than 30 days beginning on the later of the date that is:

- The date of issuance of the order, or
- Ninety (90) days before the date on which the period of active duty is to commence.

3.1.2 Affected individual members of the RC and their family members are eligible for TRICARE under this section. This eligibility includes eligibility for TRICARE Prime Remote (TPR) for the service member, as a matter of the TRICARE Management Activity (TMA) policy, and eligibility for TRICARE Prime Remote for Active Duty Family Members (TPRADFMs) for their family members. The previous end date of December 31, 2004 is rescinded. The NDAA FY 2005 Section 703 extended eligibility by law and provided permanent authority for this benefit.

3.2 Section 704 extends to 180 days the period of time that the Transitional Assistance Medical Program (TAMP) will apply for the purpose of TRICARE eligibility. The 180 days will begin on the date the member is separated from active duty. This extension of eligibility to a period of 180 days only applies to separations from active duty that take effect on or after November 6, 2003.

- The separated individual service members and their family members are eligible for TRICARE under this section. This eligibility does not include eligibility for TPR for the former service member, and does not include eligibility for TPRADFMs for their family members. The previous end date of December 31, 2004 is rescinded. The NDAA FY 2005 Section 706 extended eligibility by law and provided permanent authority for this benefit.

3.3 The memorandum from the Under Secretary of Defense for Personnel and Readiness attached at Figure 18.4-1 summarizes the changes contained in the NDAA FY 2004 legislation and gives specific policy guidance addressing each of these new program enhancements. This memorandum contains current information as the provisions of the NDAA FY 2004 were further extended by the NDAA FY 2005 which provided permanent authority for these benefits.

4.0 GENERAL DESCRIPTION OF ADMINISTRATIVE PROCESS

The revised periods of TRICARE eligibility for the affected individuals will be reflected on the Defense Enrollment Eligibility Reporting System (DEERS). Contractors will continue to rely upon DEERS for eligibility determination.

5.0 TMA AND CONTRACTOR RESPONSIBILITIES

5.1 TMA shall ensure that DEERS changes have been effectuated to reflect correct eligibility information for all affected individuals.

5.2 The contractor shall verify the patient's eligibility on the DEERS.

5.3 In the event that the contractor should become aware that payment has been made for services rendered during a period for which the patient was subsequently determined to be ineligible (e.g., the alerted reserve member was found upon medical screening to be not medically fit for active duty), recoupment action shall be initiated.

FIGURE 18.4-1 UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS MEMORANDUM

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000
JAN 7 2004

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (SAF/MR)

SUBJECT: Health Care Benefits for Reserve Component Members and Their Dependents: Second Addendum to Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks

References:
(a) National Defense Authorization Act for FY 2004, Sections 701, 703, and 704.
(b) USD(P&R) Memorandum, Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks, September 20, 2001.
(c) Addendum to Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks, July 19, 2002.

TRICARE Management Activity is working hard to quickly implement the provisions in the Emergency Supplemental Appropriations Act for Defense for FY 2004, and the National Defense Authorization Act for FY 2004 that will improve access to health care services for many Reserve Component service members and their families. Several of the provisions took effect November 6, 2003 and will expire December 31, 2004.

This memorandum provides additional guidance, based on reference (a), to be followed regarding medical/dental screening and care for both Reserve Component members identified for active duty in support of the current partial mobilization operations, and the families of those members. The attached policy guidance supplements the guidance previously provided in references (a) and (b). Service Secretaries may prescribe implementing instructions consistent with this guidance, the guidance provided in references (a) and (b), and for areas not addressed.

Our work group is quickly and thoroughly evaluating the requirements of the law, determining the definitions of eligibility and benefits, and taking the steps necessary to implement the changes. This is not a simple process, but we are committed to making it happen as quickly as possible to ensure eligible members have access to TRICARE health benefits and that they receive clear, consistent, accurate and timely information on these benefits.

FIGURE 18.4-1 UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS MEMORANDUM

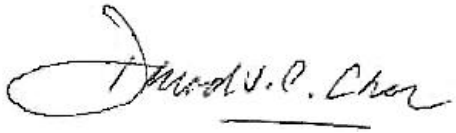
Some beneficiaries may need to obtain health care services before the Reserve Component Health Benefits Pilot program is implemented. For this reason, we encourage those members of the Reserve Component who are to be called to active duty or who are deployed in support of a contingency operation, and who are eligible for benefits under sections 703 or 704.

To save health care related receipts, claims and explanation of benefit forms for themselves and their families dating from November 6, 2003. This is necessary in the event that the sponsor is determined to be eligible for retroactive reimbursement from the Department of Defense. We will communicate by mail with affected Reserve Component members regarding eligibility definitions, information on covered health care services and the date that eligible sponsor and family members may submit claims and the required receipts for reimbursement.

Section 701 authorizes medical or dental screening and care for Ready Reserve members, as needed to ensure the member meets deployment standards and mandates that members be notified of eligibility for such screening and care when they are notified that they are to be called or ordered to active duty for a a period of more than 30 days. To the extent practicable, it is expected that such a notice will be included with other information provided to the member at the time of notification of the call or order to active duty.

Section 703 provides an earlier eligibility date for TRICARE benefits for certain members of Reserve Components and their family dependents. The member will be eligible for TRICARE Prime or supplemental health care, depending on location. TRICARE options available to the dependents will be TRICARE Prime if in a Prime area), or TRICARE Prime Remote for Active Duty Family Members (TPRADFM) (if not in a Prime area). Family members who choose to not enroll in TRICARE Prime or TPRADFM may use the TRICARE Extra or TRICARE Standard, and are eligible for the Nationwide TRICARE Reserve Family Member Demonstration Project. Military Services may want to advise the member of the advantages of continuing existing (civilian) health and dental insurance on themselves and their families until they have reached the 31st day of active duty.

Section 704 extends the period of coverage under the Transitional Assistance Medical Program. Affected persons will be eligible for TRICARE Prime (if in a Prime area), TRICARE Extra, or TRICARE Standard and are eligible for the Nationwide TRICARE Reserve Family Member Demonstration Project. As with the current TAMP, affected person will not be eligible for TRICARE Prime Remote or TRICARE Prime Remote for Active Duty Family Members.



David S. C. Chu

Attachment:
As stated

cc:
Director, Joint Staff
Commandant, USCG (G-WT)

ADDENDUM II
TO

"Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks," September 20, 2001

GUIDANCE

Based on applicable legal authority, including sections 701, 703 and 704 of the National Defense Authorization Act for Fiscal Year 2004 regarding health care for Reserve component members and their families, the following policy guidance is provided.

1. Section 701: Medical or Dental Screening or Care at no Cost for Ready Reserve Members:

a. A member of the Ready Reserve may at any time, while in a military duty status, be provided any medical or dental screening or care that is necessary to ensure that the member meets applicable medical and dental standards for deployment. Such screening and care may be provided in accordance with policies and procedures of the Military Service and Reserve Component concerned.

b. Whenever a member of the Ready Reserve receives notice that the member is to be called or ordered to active duty for a period of more than 30 days, the member shall also be provided notice that the member is eligible for medical or dental screening or care necessary to ensure than the member meets applicable medical and dental standards for deployment. The notification that the member is to be called or ordered to active duty for a period of more than 30 days may be in verbal or written form from a person authorized to provide such notification. This requirement to provide notice of eligibility for medical or dental screening or care is applicable to all notices on or after November 6, 2003, to members that they are to be called or ordered to active duty. It is expected that the required notification will be incorporated into other materials provided to the member regarding the call or order to active duty.

c. Any medical or dental screening or care provided to a member of the Ready Reserve, as authorized by this authority, shall not be charged to the member.

d. Upon issuance of a mobilization alert order to a unit or an individual, individuals who receive or are covered by such order shall, if it has not been previously provided, be given notice that the members are eligible for medical and dental screening and care under this authority.

2. Section 703: Earlier Eligibility Date for TRICARE Benefits for Members of Reserve Components

a. A member of the Reserve Components who is issued a delayed-effective-date active-duty order, or is covered by such an order, that is for a period of active duty of more than 30 days, in support of a contingency operation, as defined in 10 USC 101(a)(13)(B), shall be eligible, along with the member's dependents, for TRICARE, on either the date of issuance of such an order, or 90 days prior to the

date of active duty prescribed in the order, whichever is later (as amplified in paragraph d., with example provided in paragraph e., below).

b. Each Military Service is responsible for providing electronically to DEERS a file of eligible records. The file shall include SSN, Date of Notification, and Projected Active Duty Start Date in the attached reporting format for "early Identification of Service Members Called Up in Support of a Named Contingency." Services will ensure security of transmitted data.

c. Services shall notify DEERS of any change in or cancellation of projected active duty start dates.

d. To preclude the issuance of orders to active duty for a period of more than 30 days to members not medically qualified to perform such duty (which has in the past contributed to a "medical hold" backlog). Services will include a statement on all individual orders that advises the member that: the member is ordered to active duty for a period of less than 30 days for medical/dental screening and/or care; if the member is not determined to be medically qualified for deployment, the member will be released from active duty and returned to prior status; and if the member is determined to be medically qualified for deployment, the member is further ordered to active duty for a period not to exceed a specified duration, unless sooner released by proper authority. This specified period of active duty shall exclude the medical/dental screening period, but be calculated to reflect that such active duty period was served. To accommodate both the medical hold issue and the TRICARE benefit, the effective date of the orders to active duty for a period of more than 30 days is deemed to be the 31st day after the effective date of the initial phase of the orders (the medical/dental screening period). From this 31st day, the calculation of 90 days of TRICARE eligibility shall be made.

e. Example of the time sequence outlined above: On January 1, 2004, a member receives an order to active duty for a period of 30 days for medical/dental screening, with a reporting date of April 1, to be followed, if the member is fit for deployment, by a period of active duty for not to exceed 365 days, minus the number of days served during the initial phase of the orders. In this example, the effective date of the orders to active duty for more than 30 days is May 1. The TRICARE eligibility period begins 90 days prior to May 1. If on April 15, the member is found to be fit for deployment, the member will proceed to a period of active duty for not to exceed 350 days.

f. If a member is not determined to be qualified for deployment and is released from active duty, the Service is responsible for notifying DEERS of the termination of the member's and dependents' eligibility for TRICARE. The member and family will be covered until the member is determined not to be eligible for deployment.

g. This eligibility is effective with respect to all delayed-effective-date active-duty orders issued on or after November 6, 2003, and is valid through December 31, 2004, unless further extended by law.

DEFINITION: Delayed-effective-date active-duty order: An official document prescribing the order to active duty of a Reserve Component member, or members, on a specified date, for a period of more than 30 days, in support of a contingency operation as defined in 10 USC 101(a)(13)(B). Such an order may be either a) individual mobilization orders; or b) a unit alert order, with an annex approved by a senior authorized individual for the unit or higher HQ, that contains the identification of all individuals to whom individual mobilization orders will be issued in accordance with the unit alert order.

3. Section 704: Temporary Extension of Transitional Assistance Medical Program (TAMP):

a. All members of the Reserve Components who have served on active duty for more than 30 days in support of a contingency operation are authorized TAMP benefits for 180 days, beginning on the date on which the member is separated from such active duty.

b. This 180-day period of TAMP eligibility applies to all covered Reserve component members who separate from active duty on or after November 6, 2003. This authorization is valid through December 31, 2004, unless further extended by law. Accordingly, with no further extension by law, as of January 1, 2005, the period for which a member is authorized TAMP benefits upon release from active duty for more than 30 days in support of a contingency operation shall be adjusted as necessary to comply with the normal duration of TAMP benefits. (The normal duration is 60 days for members with less than six years of cumulative active service and 120 days for members with six or more years of cumulative active service.)

Attachment:
As stated

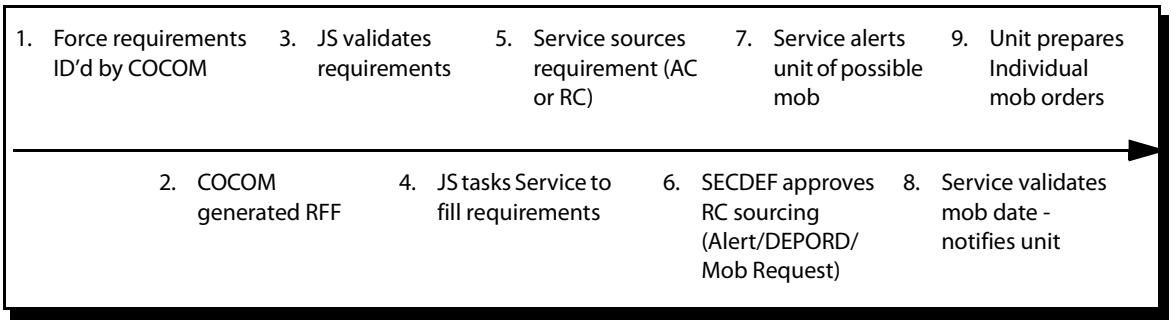
EARLY IDENTIFICATION OF SERVICE MEMBERS CALLED UP IN SUPPORT OF A NAMED CONTINGENCY

RECORD/FIELD AND DATA ITEM	CODING AND REMARKS	RECORD POSITION	LENGTH CLASS	SEL RES	IRR/ ING	STBY RES	RET RES
	Transaction record shall include personnel identification information, transaction information and all data elements for section being submitted. **(Submit transactions daily.)**						
PERSONNEL IDENTIFICATION INFORMATION							
1. Social Security Number (SSN) (DoD Std: Person Social Security Identifier)	Enter nine numeric digits omitting hyphens for the Service member's social security number.	1-9	9 N	X	X		X
2. Reserve Component	Enter a two character code from the following list that identifies the Reserve Component affiliated with:	10-11	2A	X	X		X
a. Military Service (DoD) Std: Uniformed Service Organization Code)	The branches of the Armed Forces of the United States established by Congress, in which persons are appointed, enlisted or inducted for military service and that operates and is administered within a military or executive department. A = U.S. Army (USA) N = U.S. Navy (USN) M = U.S. Marine Corps (USMC) F = U. S. Air Force (USAF) C = U.S. Coast Guard (USCG)	10	1 A	X	X		X
b. Service Component (DoD Std: Uniformed Service Organization Component Type Code)	G = National Guard of the United States V = Reserve	11	1 A	X	X		X
Section 1. CONTINGENCY INFORMATION							
3. Filler		12-57		X	X		X
TRANSACTION INFORMATION							
4. Transaction Type Code	The code that represents the type of transaction being processed. EA = Early Identification (E-ID) Begin Transaction. EC = Change Transaction. If orders are amended to delay the active duty start date, submit a change transaction if the new projected active duty date is within 60 days of being effective. If projected active duty start date is beyond 60 days of being effective, submit an "EE" (End Transaction) for the current eligibility status and submit when appropriate an "EA" (Begin Transaction) for the next new period of entitlement. EE = E-ID End Transaction EX = E-ID Cancel Transaction--Data erroneous submitted. Cancel event.	58-59	2 A	X X	X X		X X
Section 2. Early Identification (E-ID) of Service Members Called Up in Support of a Named Contingency (TRICARE Eligibility)							
5. E-ID Notification Date	The calendar date the delayed-effective-date active duty order is issued. ENTER: Year, Month, and Day (YYYYMMDD)	60-67	8 N	X	X		X

EARLY IDENTIFICATION OF SERVICE MEMBERS CALLED UP IN SUPPORT OF A NAMED CONTINGENCY

RECORD/FIELD AND DATA ITEM	CODING AND REMARKS	RECORD POSITION	LENGTH CLASS	SEL RES	IRR/ ING	STBY RES	RET RES
6. E-ID Projected Active Duty Start Date	The calendar date the member is projected to begin the first day of active duty. This start date will begin the initial phase of call up orders during which medical screening will normally occur. ENTER: Year, Month, and Day (YYYYMMDD)	68-75	8 N	X	X		X
7. E-ID Stop Date	The calendar date the member is removed from current E-ID call up status. Early Identification TRICARE eligibility ends. Service member will not go on active duty as projected. ENTER: Year, Month, and Day (YYYYMMDD)	76-83	8 N	X	X		X
8. E-ID Named Contingency Code	The unique code assigned to the named contingency for which the member received Early Identification. RA will provide each service the appropriate code for the named contingency in the mobilization guidance or by memorandum.	84-86	3 AN	X	X		X
9. Filler	Reserved for future use.	87-100	13 AN	X	X		X

MOBILIZATION SEQUENCE - RELATED TO SECTION 703, NDAA FY 2004



7. Unit Alert Order/Notification:

USA - Alert Message/Order; may not have proposed mob date; sometimes 1 level higher than level to be mobilized.
USN - Mainly defer to #9 (Individual Mob Orders)
USMC - Receipt for Planning Message
USAF - Notification Message

9. Individual Mobilization Orders:

Contains individual information and report to active duty date for those members being called to active duty.

Delayed-effective-date-active-duty-order: An official document prescribing the order to active duty of a Reserved component member, or members, on a specified date, for a period of more than 30 days, in support of a contingency operation as defined in 10 USC 101(a)(13)(B). Such an order my either a) individual mobilization orders; or b) a unit alert order, with an annex approved by a senior authorized individual for the unit or higher HQ, that contains the identification of all individuals to whom individual mobilization orders will be issued in accordance with the unit alert order.

- END -