AMENDMENT TO RULES COMMITTEE PRINT 116–57

OFFERED BY MR. COLE OF OKLAHOMA

At the end of subtitle A of title VII, add the following new section:

SEC. 705. EXPANSION OF BENEFITS AVAILABLE UNDER TRICARE EXTENDED CARE HEALTH OPTION PROGRAM.

(a) EXTENDED BENEFITS FOR ELIGIBLE DEPENDENTS.—Subsection (e) of section 1079 of title 10, United States Code, is amended to read as follows:

“(e)(1) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services (including services necessary to maintain, or minimize or prevent deterioration of, function of the patient) and case management services with respect to the qualifying condition of such a dependent, and include, to the extent such benefits are not provided under provisions of this chapter other than under this section, the following:

“(A) Diagnosis and screening.

“(B) Inpatient, outpatient, and comprehensive home health care supplies and services which may include cost effective and medically appropriate serv-
ices other than part-time or intermittent services
(within the meaning of such terms as used in the
second sentence of section 1861(m) of the Social Se-
curity Act).

“(C) Rehabilitation and habilitation services
and devices.

“(D) Institutional care in private nonprofit,
public, and State institutions and facilities and, if
appropriate, transportation to and from such institu-
tions and facilities.

“(E) Custodial care, notwithstanding the prohi-
bition in section 1077(b)(1) of this title.

“(F) In accordance with paragraph (2), respite
care for the primary caregiver of the eligible depend-
ent.

“(G) In accordance with paragraph (3), service
and modification of durable equipment and assistive
technology devices.

“(H) Special education.

“(I) Vocational training, which may be fur-
nished to an eligible dependent in the residence of
the eligible dependent or at a facility in which such
training is provided.
“(J) In accordance with paragraph (4), adaptations to the private residence and vehicle of the eligible dependent.

“(K) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(12).

“(2) Respite care under paragraph (1)(F) shall be provided subject to the following conditions:

“(A) Pursuant to regulations prescribed by the Secretary for purposes of this paragraph, such respite care shall be limited to—

“(i) 50 hours per month for a primary caregiver not covered by clause (ii); or

“(ii) 40 hours per week for cases where the Secretary determines that the plan of care for the eligible dependent includes frequent interventions by the primary caregiver.

“(B) Unused hours of respite care may not be carried over to another month.

“(C) Such respite care may be provided to an eligible beneficiary regardless of whether the eligible beneficiary is receiving another benefit under this subsection.

“(3)(A) Service and modification of durable equipment and assistive technology devices under paragraph
(1)(G) may be provided only upon determination by the
Secretary that the service or modification is necessary for
the use of such equipment or device by the eligible depend-
ent.

“(B) Service and modification of durable equipment
and assistive technology devices under such paragraph
may not be provided—

“(i) in the case of misuse, loss, or theft of the
equipment or device; or

“(ii) for a deluxe, luxury, or immaterial feature
of the equipment or device, as determined by the
Secretary.

“(C) Service and modification of durable equipment
and assistive technology devices under such paragraph
may include training of the eligible dependent and imme-
diate family members of the eligible dependent on the use
of the equipment or device.

“(4)(A) Adaptations to the private residence and ve-
hicle of the eligible dependent under paragraph (1)(J) may
be provided if such adaptations—

“(i) are determined to be medically necessary
by the provider responsible for the care of the eligi-
ble dependent with respect to the qualifying condi-
tion; and

“(ii) are necessary to assist in—
“(I) the reduction of the disabling effects of the qualifying condition; or

“(II) maintenance of the present functionality of the eligible dependent.

“(B) With respect to a vehicle, adaptations may be provided under such paragraph if the vehicle is the primary means of transportation of the eligible dependent.”.

(b) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking “paragraph (3) or (4) of subsection (e)” each place it appears and inserting “subparagraph (C), (D), (G), (H), or (I) of subsection (e)(1)”.

(c) ADDITIONAL REQUIREMENTS IN OFFICE OF SPECIAL NEEDS ANNUAL REPORT.—Section 1781c(g)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) With respect to the Extended Care Health Option program under section 1079(d) of this title—

“(i) the utilization rates of services under such program by eligible dependents (as such term is defined in such section) during the prior year;
“(ii) a description of gaps in such services, as ascertained by the Secretary from information provided by families of eligible dependents;

“(iii) an assessment of factors that prevent knowledge of and access to such program, including a discussion of actions the Secretary may take to address these factors; and

“(iv) an assessment of the average wait time for an eligible dependent enrolled in the program to access alternative health coverage for a qualifying condition (as such term is defined in such section), including a discussion of any adverse health outcomes associated with such wait.”.

(d) COMPTROLLER GENERAL REPORT.—The Comptroller General of the United States shall submit to Congress a report containing a study on caregiving available through programs such as State Home and Community Based Services and the Program of Comprehensive Assistance for Family Caregivers of the Department of Veterans Affairs under section 1720G of title 38, United States Code. The report shall—

(1) include input from payers, administrators, consumers, and advocates in order to analyze best practices for administering programs to support
caregivers of individuals with intellectual or physical
disabilities; and

(2) compare the provision of respite and related
care through the Extended Care Health Option pro-
gram under section 1079(d) of title 10, United
States Code, to recognized best practices and, if
needed, make recommendations for improvement.

(c) EFFECTIVE DATE.—The amendments made by
this section shall take effect October 1, 2020.

(f) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts
set forth in the funding tables in division D, the
amount authorized to be appropriated in section
1405 for the Defense Health Program, as specified
in the corresponding funding table in section 4501,
for Defense Health Program, In-House Care, is
hereby increased by $15,000,000.

(2) OFFSET.—Notwithstanding the amounts set
forth in the funding tables in division D, the amount
authorized to be appropriated in section 1405 for
the Defense Health Program, as specified in the cor-
responding funding table in section 4501, for De-
fense Health Program, Private Sector Care, is here-
by reduced by $15,000,000.