

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. COLE OF OKLAHOMA

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

1 **SEC. 705. EXPANSION OF BENEFITS AVAILABLE UNDER**
2 **TRICARE EXTENDED CARE HEALTH OPTION**
3 **PROGRAM.**

4 (a) EXTENDED BENEFITS FOR ELIGIBLE DEPEND-
5 ENTS.—Subsection (e) of section 1079 of title 10, United
6 States Code, is amended to read as follows:

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

15 “(A) Diagnosis and screening.

16 “(B) Inpatient, outpatient, and comprehensive
17 home health care supplies and services which may
18 include cost effective and medically appropriate serv-

1 ices other than part-time or intermittent services
2 (within the meaning of such terms as used in the
3 second sentence of section 1861(m) of the Social Se-
4 curity Act).

5 “(C) Rehabilitation and habilitation services
6 and devices.

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

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

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

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

19 “(H) Special education.

20 “(I) Vocational training, which may be fur-
21 nished to an eligible dependent in the residence of
22 the eligible dependent or at a facility in which such
23 training is provided.

1 “(J) In accordance with paragraph (4), adapta-
2 tions to the private residence and vehicle of the eligi-
3 ble dependent.

4 “(K) Such other services and supplies as deter-
5 mined appropriate by the Secretary, notwithstanding
6 the limitations in subsection (a)(12).

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

9 “(A) Pursuant to regulations prescribed by the
10 Secretary for purposes of this paragraph, such res-
11 pite care shall be limited to—

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

14 “(ii) 40 hours per week for cases where the
15 Secretary determines that the plan of care for
16 the eligible dependent includes frequent inter-
17 ventions by the primary caregiver.

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

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

24 “(3)(A) Service and modification of durable equip-
25 ment and assistive technology devices under paragraph

1 (1)(G) may be provided only upon determination by the
2 Secretary that the service or modification is necessary for
3 the use of such equipment or device by the eligible depend-
4 ent.

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

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

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

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

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

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

25 “(ii) are necessary to assist in—

1 “(I) the reduction of the disabling effects
2 of the qualifying condition; or

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

5 “(B) With respect to a vehicle, adaptations may be
6 provided under such paragraph if the vehicle is the pri-
7 mary means of transportation of the eligible dependent.”.

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

13 (c) ADDITIONAL REQUIREMENTS IN OFFICE OF SPE-
14 CIAL NEEDS ANNUAL REPORT.—Section 1781c(g)(2) of
15 title 10, United States Code, is amended—

16 (1) by redesignating subparagraph (C) as sub-
17 paragraph (D); and

18 (2) by inserting after subparagraph (B) the fol-
19 lowing new subparagraph (C):

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

22 “(i) the utilization rates of services under
23 such program by eligible dependents (as such
24 term is defined in such section) during the prior
25 year;

1 “(ii) a description of gaps in such services,
2 as ascertained by the Secretary from informa-
3 tion provided by families of eligible dependents;

4 “(iii) an assessment of factors that prevent
5 knowledge of and access to such program, in-
6 cluding a discussion of actions the Secretary
7 may take to address these factors; and

8 “(iv) an assessment of the average wait
9 time for an eligible dependent enrolled in the
10 program to access alternative health coverage
11 for a qualifying condition (as such term is de-
12 fined in such section), including a discussion of
13 any adverse health outcomes associated with
14 such wait.”.

15 (d) **COMPTROLLER GENERAL REPORT.**—The Comp-
16 troller General of the United States shall submit to Con-
17 gress a report containing a study on caregiving available
18 through programs such as State Home and Community
19 Based Services and the Program of Comprehensive Assist-
20 ance for Family Caregivers of the Department of Veterans
21 Affairs under section 1720G of title 38, United States
22 Code. The report shall—

23 (1) include input from payers, administrators,
24 consumers, and advocates in order to analyze best
25 practices for administering programs to support

1 caregivers of individuals with intellectual or physical
2 disabilities; and

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

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

10 (f) FUNDING.—

11 (1) INCREASE.—Notwithstanding the amounts
12 set forth in the funding tables in division D, the
13 amount authorized to be appropriated in section
14 1405 for the Defense Health Program, as specified
15 in the corresponding funding table in section 4501,
16 for Defense Health Program, In-House Care, is
17 hereby increased by \$15,000,000.

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

