

COURT-ORDERED CARE

Issue Date: December 5, 1984

Authority: [32 CFR 199.4\(g\)\(22\)](#)

I. DESCRIPTION

Court-ordered care is medical service, including inpatient admissions, that a court of law orders or directs a party in a legal proceeding to obtain.

II. POLICY

The fact that medical services are ordered by a court for a TRICARE beneficiary does not determine the benefits available under TRICARE. TRICARE benefits will be paid only if the service is medically or psychologically necessary to diagnose or treat a covered condition, if the service is at the appropriate level of care to treat the condition, and if the beneficiary (or the beneficiary's family) has a legal obligation to pay for the service.

III. POLICY CONSIDERATIONS

A. The most common TRICARE cases with court involvement are admissions to residential treatment and alcohol treatment programs. Reviewers should be particularly alert to the possibility of court involvement in these types of cases.

B. If it is determined that court-ordered care meets the criteria of necessity and appropriateness and, therefore, is potentially payable, the issue of the beneficiary's legal obligation to pay for the care requires specific investigation.

C. If the care was ordered, or if the patient was directed to a specific treatment provider, primarily because of the potential for TRICARE coverage, benefits are not payable. For example, if a public treatment program is available at no cost to the beneficiary, but the court orders or agrees to treatment by a private provider because the patient is a TRICARE beneficiary, no benefits may be paid.

IV. EFFECTIVE DATE November 13, 1984.

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