

## ELIGIBILITY REQUIREMENTS

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### I. POLICY

A. An individual is considered to be eligible for TOP if they are shown as eligible on the Defense Enrollment Eligibility Reporting System (DEERS). The DEERS record will indicate the dates of eligibility. Except for the following categories of beneficiaries listed below, other beneficiaries who are not enrolled in DEERS are not eligible for TOP.

1. Newborns. If the beneficiary's date of birth is within 365 days of the contractor's eligibility query to DEERS, the Managed Care Support Contractor (MCS) shall consider the newborn to be eligible.

2. Victims of physical or emotional abuse. Effective November 14, 1986, through October 16, 1998, dependents (i.e., eligible spouses or children), of a person who receives a dishonorable or bad-conduct discharge or dismissal from a Uniformed Service as a result of a court-martial conviction for an offense involving physical or emotional abuse or was administratively discharged as a result of such an offense are entitled to benefits under both the CHAMPUS Basic Program or Program for Persons with Disabilities, for medical or adjunctive dental care for problems associated with the physical or emotional abuse for a period of up to one year (12 months) following the person's separation from the Uniformed Service. Effective October 17, 1998, the limitation on the services available to these beneficiaries (i.e., the services must be related to the abuse) is removed, and these beneficiaries are entitled to all benefits available under the Program. In addition, the one year limitation on these services is replaced with the period that the abused dependent is in receipt of transitional compensation under section 1059 of Title 10 U.S.C.

a. Eligibility for these dependents will be determined by the appropriate Administering Secretary utilizing the system established to manage Secretarial Designees. Under this system, eligibility is designated by letter from the appropriate Administering Secretary. For dependents of abuse an additional paragraph will be added to the usual Designee letter which describes the period of eligibility, and the type of care the dependent is entitled to receive. MCS contractors are to use this Designee letter to verify eligibility. At a minimum, the letter must contain the beneficiary and sponsor names, sponsor social security number, and dates of eligibility (and for services provided before October 17, 1998, the type of care authorized, such as treatment of mental problems associated with battering/neglect, treatment of broken bones, etc. A copy of this letter should be attached to each claim.

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b. The Designee letter is to be used by MCS contractors to verify that the claims are for services received during the period of designated eligibility that began on or after November 14, 1986. In addition, for services received before October 17, 1998, the letter is to be used to ensure that the claim is for services related to medical or adjunctive dental care for conditions associated with the physical or emotional abuse.

c. Claims for this class of dependents shall be considered "active duty" for TOP cost-sharing purposes and Program for Persons with Disabilities eligibility.

d. Claims for services provided on or after October 17, 1998, are subject to the provisions of TRICARE Operations Manual, [Chapter 3](#).

3. Medal of Honor recipients (MOH). Effective October 30, 2000, Medal of Honor recipients and their immediate dependents (i.e., eligible spouses or children) who are not otherwise entitled to medical benefits are eligible for all medical benefits under the Basic Program in the same manner as provided to former members (i.e., retirees).

NOTE: MOH recipient eligibility excludes MOH recipient former spouses, and a child who is placed in legal custody of a MOH recipient by the court or who is placed in the home of a MOH recipient by a recognized placement agency in anticipation of the legal adoption of the child.

B. NATO and Partnership for Peace (PFP) active duty member and their family members. NATO or PFP active duty member and their family members are eligible for MTF care and for civilian outpatient care while on assignment in the United States. NATO or PFP active duty members and their family members on assignment in the United States who travel to an overseas country or return to their home country and obtain overseas care, claims are not eligible for payment under TRICARE/TOP. Family members of NATO and PFP members have no TRICARE/TOP eligibility outside of the United States.

C. DEERS also will identify the beneficiary status (e.g., retiree, active duty family member, etc.).

D. Members of reserve components who are called to active duty for more than 30 days are eligible for the TOP/TRICARE the same as any other TOP/TRICARE ADSM regardless of where enrolled. Family members of reserve components who are called to active duty for more than 30 days are eligible for the TOP/TRICARE benefits outlined in the TRICARE Operations Manual, [Chapter 20, Section 1](#) as long as the demonstration is in effect.

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