

## Chapter 10

## Section 9.1

# Early Eligibility Benefits For Reserve And National Guard (NG)

Issue Date: January 11, 2012

Authority: [32 CFR 199.3\(b\)\(5\)](#), Department of Defense Instruction (DoDI) 7730.54, Public Law 108-136, Section 703, Public Law 108-375, Section 703, and Public Law 111-84, Section 702

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### 1.0 DESCRIPTION

The provisions of these sections, 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. Members of the Reserve and NG who are called or ordered to active duty for more than 30 days in support of a federal contingency operation and are issued delayed-effective-date active-duty orders become eligible for TRICARE up to 180 days before the active duty commences.

### 2.0 BACKGROUND

**2.1** Section 703 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2004 (Public Law 108-136) established temporary authority to expand the period of time that a reservist is considered to be on active duty for the purpose of TRICARE eligibility.

**2.2** Section 703 of the NDAA for FY 2005 (Public Law 108-375) made the authority permanent.

**2.3** Section 702 of the NDAA for FY 2010 (Public Law 111-84) extended the maximum period of early eligibility from 90 days to 180 days.

### 3.0 POLICY

**3.1** A Reserve Component (RC) member who is issued a delayed-effective-date active-duty order on October 28, 2009 or later will be considered as being on active duty for more than 30 days beginning on the later of the date that is:

**3.1.1** The date of issuance of the order; or

**3.1.2** One hundred and eighty days before the date on which the period of active duty is to commence.

**3.2** The secretaries of the military departments are responsible for ensuring accurate and timely submission of early TRICARE eligibility data to the Defense Enrollment Eligibility Reporting System (DEERS) as specified in DoDI 7730.54, "Reserve Component Common Personnel Data System" (RCCPDS). The TRICARE Early Identification (EID) program for early TRICARE eligibility transactional data defined in RCCPDS, based on the delayed-effective-date-active duty order, is the authoritative

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source for establishing, maintaining, and terminating early TRICARE eligibility in the DEERS. Uniformed services personnel offices are responsible for ensuring that DEERS changes have been effectuated to reflect correct eligibility information for all affected individuals. If the delayed-effective-date active-duty orders are rescinded before the active duty commences, the military departments are responsible for terminating the member's and dependents' eligibility for TRICARE in DEERS.

**3.3** Affected individual members of the RC and their family members are eligible for TRICARE under this section. The provisions available under the TRICARE Reserve and NG family member benefits (TRICARE Policy Manual (TPM), [Chapter 10, Section 8.1](#)) shall apply to those eligible for care under this section. This eligibility includes family member eligibility for TRICARE Prime/Overseas Prime and for TRICARE Prime Remote (TPR)/Overseas Prime Remote for Active Duty Family Members (ADFM). This eligibility also includes service member eligibility for TRICARE Prime with a Military Treatment Facility (MTF) Primary Care Manager (PCM) if the member lives near an MTF; TPR for the member is not authorized during this early eligibility period. A non-enrolled service member may seek covered primary care from a TRICARE authorized civilian provider. Prior to obtaining any specialty care, the RC member should contact the appropriate TRICARE regional or overseas Managed Care Support Contractor (MCSC) to request authorization.

**3.3.1** The periods of TRICARE eligibility for the affected individuals will be reflected in DEERS. Contractors will continue to rely upon DEERS for eligibility determination.

**3.3.2** The contractor shall verify the patient's eligibility in DEERS.

**3.4** 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 recoupment action shall be initiated. Recoupment procedures are specified in TRICARE Operations Manual (TOM), [Chapter 11, Section 3](#) as appropriate.

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