

§ 1101. Resource allocation methods: capitation or diagnosis-related groups

(a) Establishment of Capitation or DRG Method.—The Secretary of Defense, after consultation with the other administering Secretaries, shall establish by regulation the use of capitation or diagnosis-related groups as the primary criteria for allocation of resources to facilities of the uniformed services.

(b) Exception for Mobilization Missions.—Capitation or diagnosis-related groups shall not be used to allocate resources to the facilities of the uniformed services to the extent that such resources are required by such facilities for mobilization missions.

(c) Content of Regulations.—Such regulations may establish a system of diagnosis-related groups similar to the system established under section 1886(d)(4) of the Social Security Act (42 U.S.C. 1395ww(d)(4)). Such regulations may include the following:

- (1) A classification of inpatient treatments by diagnosis-related groups and a similar classification of outpatient treatment.
- (2) A methodology for classifying specific treatments within such groups.
- (3) An appropriate weighting factor for each such diagnosis-related group which reflects the relative resources used by a facility of a uniformed service with respect to treatments classified within that group compared to treatments classified within other groups.
- (4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.

NOTES

Source

(Added Pub. L. 99-661, div. A, title VII, Sec. 701(a)(1), Nov. 14, 1986, 100 Stat. 3897; amended Pub. L. 100-456, div. A, title XII, Sec. 1233(e)(1), Sept. 29, 1988, 102 Stat. 2057; Pub. L. 103-160, div. A, title VII, Sec. 714(a), (b)(1), Nov. 30, 1993, 107 Stat. 1690.)

Amendments

1993—Pub. L. 103-160, Sec. 714(b)(1), substituted “Resource allocation methods: capitation or diagnosis-related groups” for “Diagnosis-related groups” as section catchline.

Subsec. (a). Pub. L. 103-160, Sec. 714(a)(1), substituted “Capitation or DRG Method” for “Ergs” in heading and inserted “capitation or” before “diagnosis-related groups” in text.

Subsec. (b). Pub. L. 103-160, Sec. 714(a)(2), substituted “Capitation or diagnosis-related groups” for “Diagnosis-related groups”.

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Subsec. (c). Pub. L. 103-160, Sec. 714(a)(3), substituted “may” for “shall” in two places in introductory provisions and added par. (4).

1988—Subsec. (c). Pub. L. 100-456 struck out “(1)” before “Such regulations” in introductory provisions.

Regulations

Pub. L. 101-189, div. A, title VII, Sec. 724, Nov. 29, 1989, 103 Stat. 1478, as amended by Pub. L. 102-190, div. A, title VII, Sec. 719, Dec. 5, 1991, 105 Stat. 1404, provided that: “The regulations required by section 1101(a) of title 10, United States Code, to establish the use of diagnosis-related groups as the primary criteria for the allocation of resources to health care facilities of the uniformed services shall be prescribed to take effect not later than October 1, 1993, in the case of outpatient treatments.”

Pub. L. 99-661, **div. A, title VII, Sec. 701(d)(4), Nov. 14, 1986, 100 Stat. 3898**, as amended by Pub. L. 100-180, div. A, title VII, Sec. 724, Dec. 4, 1987, 101 Stat. 1116, provided that: “The Secretary of Defense shall prescribe regulations as required by section 1101(a) of such title (as added by subsection (a)(1)) to take effect—

“(A) in the case of inpatient treatments, not later than October 1, 1988; and

“(B) in the case of outpatient treatments, not later than October 1, 1989.”