

Title 10 - Armed Forces
Subtitle A - General Military Law
Part II - Personnel
Chapter 55 - Medical And Dental Care

§ 1099. Health care enrollment system

(a) Establishment of System.—The Secretary of Defense, after consultation with the other administering Secretaries, shall establish a system of health care enrollment for covered beneficiaries who reside in the United States.

(b) Description of System.—Such system shall—

(1) allow covered beneficiaries to elect to enroll in a health care plan, or modify a previous election, from eligible health care plans designated by the Secretary of Defense during—

(A) an annual open enrollment period; and

(B) any period based on a qualifying event experienced by the beneficiary, as determined appropriate by the Secretary; or

(2) if necessary in order to ensure full use of facilities of the uniformed services in a geographical area, assign covered beneficiaries who reside in such area to such facilities.

(c) Health Care Plans Available Under System.—A health care plan designated by the Secretary of Defense under the system described in subsection (a) shall provide all health care to which a covered beneficiary is entitled under this chapter. Such a plan may consist of any of the following:

(1) Use of facilities of the uniformed services.

(2) A plan under the TRICARE program.

(3) Any other health care plan contracted for by the Secretary of Defense.

(4) Any combination of the plans described in paragraphs (1), (2), and (3).

(d) Regulations.—The Secretary of Defense, after consultation with the other administering Secretaries, shall prescribe regulations to carry out this section.

NOTES

Source

(Added Pub. L. 99-661, div. A, title VII, Sec. 701(a)(1), Nov. 14, 1986, 100 Stat. 3896; amended Pub. L. 114-328, div. A, title VII, Sec. 701(d)(1), (j)(1)(E), Dec. 23, 2016, 130 Stat. 2186, 2192.)

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Amendments

2016—Subsec. (b)(1). Pub. L. 114-328, Sec. 701(d)(1), amended par. (1) generally. Prior to amendment, text read as follows: “allow covered beneficiaries to elect a health care plan from eligible health care plans designated by the Secretary of Defense; or”.

Subsec. (c)(2). Pub. L. 114-328, Sec. 701(j)(1)(E), added par. (2) and struck out former par. (2) which read as follows: “The Civilian Health and Medical Program of the Uniformed Services.”

Effective Date of 2016 Amendment

Amendment by Pub. L. 114-328 applicable with respect to the provision of health care under the TRICARE program beginning on Jan. 1, 2018, see section 701(k) of Pub. L. 114-328, set out as a note under section 1072 of this title.

Regulations

Pub. L. 99-661, div. A, title VII, Sec. 701(d)(1), (2), Nov. 14, 1986, 100 Stat. 3898, provided that:

“(1) Except as provided in paragraph (2), the Secretary of Defense shall prescribe regulations as required by section 1099(d) of title 10, United States Code (as added by subsection (a)(1)) to implement the system of health care enrollment for covered beneficiaries—

“(A) on October 1, 1987, with respect to—

“(i) covered beneficiaries included in the demonstration project required under section 702 [10 U.S.C. 1073 note]; and

“(ii) facilities of the uniformed services located in the geographical area covered by the demonstration project; and

“(B) not later than September 30, 1990, for all other covered beneficiaries and facilities of the uniformed services.

“(2) The Secretary may not assign covered beneficiaries to facilities of the uniformed services, as authorized by section 1099(b)(2) of such title (as added by subsection (a)(1)), before October 1, 1990.”

Initial Annual Open Enrollment Period

Pub. L. 114-328, div. A, title VII, Sec. 701(d)(2), (3), Dec. 23, 2016, 130 Stat. 2186, provided that:

“(2) Application.—The Secretary of Defense shall implement the initial annual open enrollment period pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1), during 2018.

“(3) Grace period during first year.—

“(A) At any time during the one-year period beginning on the date on which the initial annual open enrollment period begins pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1), a covered beneficiary may make an election, or modify such an election, described in such section.

“(B) If during such one-year period an individual who is eligible to enroll in the TRICARE program, but does not elect to enroll in such program, receives health care services for an episode of care that would be covered under the TRICARE program if such individual were enrolled in the TRICARE program, the Secretary—

“(i) shall pay the out-of-network fees only for the first episode of care and inform the individual of the opportunity to enroll in the TRICARE program; and

“(ii) may not pay any costs relating to any subsequent episode of care if such individual is not enrolled in the TRICARE program.”

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Reports To Congress

Pub. L. 99-661, div. A, title VII, Sec. 701(c)(1), Nov. 14, 1986, 100 Stat. 3898, required Secretary of Defense, not later than July 1, 1987, to submit to Congress a report detailing any plans to establish or implement a system of health care enrollment (other than as required under section 702(a)(2)(C)) under section 1099(a) of this title and the plan of the Secretary for completing implementation of such system.

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