

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2333

To amend title 10, United States Code, to provide for certain behavioral health treatment under TRICARE for children and adults with developmental disabilities.

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## IN THE SENATE OF THE UNITED STATES

MAY 14, 2014

Mrs. MURRAY (for herself, Mr. BLUNT, Mrs. GILLIBRAND, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to provide for certain behavioral health treatment under TRICARE for children and adults with developmental disabilities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Caring for Military  
5       Children with Developmental Disabilities Act of 2014”.

1 **SEC. 2. BEHAVIORAL HEALTH TREATMENT OF DEVELOP-**  
2 **MENTAL DISABILITIES UNDER THE TRICARE**  
3 **PROGRAM.**

4 (a) BEHAVIORAL HEALTH TREATMENT OF DEVEL-  
5 OPMENTAL DISABILITIES UNDER TRICARE.—Section  
6 1077 of title 10, United States Code, is amended by add-  
7 ing at the end the following new subsection:

8 “(g)(1) Subject to paragraph (4), in providing health  
9 care under subsection (a), the treatment of developmental  
10 disabilities (as defined by section 102(8) of the Develop-  
11 mental Disabilities Assistance and Bill of Rights Act of  
12 2000 (42 U.S.C. 15002(8))), including autism spectrum  
13 disorder, shall include behavioral health treatment, includ-  
14 ing applied behavior analysis, when prescribed by a physi-  
15 cian or psychologist.

16 “(2) In carrying out this subsection, the Secretary  
17 shall ensure that—

18 “(A) except as provided by subparagraph (B),  
19 behavioral health treatment is provided pursuant to  
20 this subsection—

21 “(i) in the case of such treatment provided  
22 in a State that requires licensing or certifi-  
23 cation of applied behavioral analysts by State  
24 law, by an individual who is licensed or certified  
25 to practice applied behavioral analysis in ac-  
26 cordance with the laws of the State; or

1           “(ii) in the case of such treatment provided  
2           in a State other than a State described in  
3           clause (i), by an individual who is licensed or  
4           certified by a State or accredited national cer-  
5           tification board; and

6           “(B) applied behavior analysis or other behav-  
7           ioral health treatment may be provided by an em-  
8           ployee, contractor, or trainee of a person described  
9           in subparagraph (A) if the employee, contractor, or  
10          trainee meets minimum qualifications, training, and  
11          supervision requirements as set forth in applicable  
12          State law, by an appropriate accredited national cer-  
13          tification board, or by the Secretary.

14          “(3) Nothing in this subsection shall be construed as  
15          limiting or otherwise affecting the benefits provided to a  
16          covered beneficiary under—

17                  “(A) this chapter;

18                  “(B) title XVIII of the Social Security Act (42  
19          U.S.C. 1395 et seq.); or

20                  “(C) any other law.

21          “(4)(A) Treatment may be provided under this sub-  
22          section in a fiscal year only to the extent that amounts  
23          are provided in advance in appropriations Acts for the pro-  
24          vision of such treatment for such fiscal year in the Defense  
25          Dependents Developmental Disabilities Account.

1       “(B) Funds for treatment under this subsection may  
2 be derived only from the Defense Dependents Develop-  
3 mental Disabilities Account.”.

4       (b) DEFENSE DEPENDENTS DEVELOPMENTAL DIS-  
5 ABILITIES ACCOUNT.—

6           (1) ESTABLISHMENT.—

7               (A) IN GENERAL.—There is hereby estab-  
8 lished on the books of the Treasury an account  
9 to be known as the “Defense Dependents De-  
10 velopmental Disabilities Account” (in this sub-  
11 section referred to as the “Account”).

12               (B) SEPARATE ACCOUNT.—The Account  
13 shall be a separate account for the Department  
14 of Defense, and shall not be a subaccount with-  
15 in the Defense Health Program account of the  
16 Department.

17           (2) ELEMENTS.—The Account shall consist of  
18 amounts authorized to be appropriated or trans-  
19 ferred to the Account.

20           (3) EXCLUDED SOURCES OF ELEMENTS.—  
21 Amounts in the Account may not be derived from  
22 transfers from the following:

23               (A) The Department of Defense Medicare-  
24 Eligible Retiree Health Care Fund under chap-  
25 ter 56 of title 10, United States Code.

1 (B) The Coast Guard Retired Pay Ac-  
2 count.

3 (C) The National Oceanic and Atmospheric  
4 Administration Operations, Research, and Fa-  
5 cilities Account.

6 (D) The Public Health Service Retirement  
7 Pay and Medical Benefits for Commissioned Of-  
8 ficers Account.

9 (4) AVAILABILITY.—Amounts in the Account  
10 shall be available for the treatment of developmental  
11 disabilities in covered beneficiaries pursuant to sub-  
12 section (g) of section 1077 of title 10, United States  
13 Code (as added by subsection (a)). Amounts in the  
14 Account shall be so available until expended.

15 (5) FUNDING.—

16 (A) AUTHORIZATION OF APPROPRIA-  
17 TIONS.—There is hereby authorized to be ap-  
18 propriated for fiscal year 2015 for the Depart-  
19 ment of Defense for the Defense Dependents  
20 Developmental Disabilities Account,  
21 \$20,000,000.

22 (B) TRANSFER FOR CONTINUATION OF EX-  
23 ISTING SERVICES.—From amounts authorized  
24 to be appropriated for the Department of De-  
25 fense for the Defense Health Program for fiscal

1           year 2015, the Secretary of Defense shall trans-  
2           fer to the Defense Dependents Developmental  
3           Disabilities Account \$250,000,000.

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