

118TH CONGRESS
2D SESSION

H. R. 8633

To amend title 10, United States Code, to direct the Secretary of Defense to limit copayments for outpatient visits for mental health or behavioral health under the TRICARE program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2024

Ms. HOULAHAN (for herself and Mr. RESCHENTHALER) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to limit copayments for outpatient visits for mental health or behavioral health under the TRICARE program, and for other purposes.

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 “Stop Copay Overpay
5 Act”.

1 **SEC. 2. LIMITATION ON COPAYMENTS FOR OUTPATIENT**
2 **VISITS FOR MENTAL OR BEHAVIORAL**
3 **HEALTH UNDER TRICARE PROGRAM.**

4 (a) LIMITATION ON MENTAL OR BEHAVIORAL
5 HEALTH COPAYMENTS.—

6 (1) LIMITATION.—Chapter 55 of title 10,
7 United States Code, is amended by inserting after
8 the item relating to section 1075a the following new
9 section:

10 **“§ 1075b. TRICARE program: limitation on copay-**
11 **ments for certain mental or behavioral**
12 **health visits**

13 “(a) LIMITATION ON COPAYMENTS.—Notwith-
14 standing any other provision under this chapter, the Sec-
15 retary of Defense may not charge to a covered individual
16 a copayment in an amount greater than the amount de-
17 scribed in subsection (b) for an outpatient visit for mental
18 health or behavioral health under the TRICARE program,
19 regardless of whether such outpatient visit is furnished by
20 a specialty care provider.

21 “(b) AMOUNT DESCRIBED.—The amount described
22 in this subsection is the amount of a copayment that
23 would be charged to the covered individual under the
24 TRICARE Program for an outpatient visit for primary
25 care services during the year in which the covered indi-
26 vidual is being charged pursuant to subsection (a).

1 “(c) COVERED INDIVIDUAL DEFINED.—In this sec-
 2 tion, the term ‘covered individual’ means any individual
 3 enrolled under the TRICARE program, regardless of the
 4 beneficiary category of the individual with respect to such
 5 program or the duty status of the individual.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
 7 tions for such chapter is amended by inserting after
 8 the item relating to section 1075a the following new
 9 section:

“1075b. TRICARE program: limitation on copayments for certain mental or be-
 havioral health visits.”.

10 (3) APPLICABILITY.—The amendments made
 11 by this subsection shall apply with respect to out-
 12 patient visits for mental or behavioral health occur-
 13 ring on or after the date of the enactment of this
 14 Act.

15 (b) TEMPORARY LIMITATION ON OTHER SPECIALTY
 16 CARE COPAYMENTS.—

17 (1) TEMPORARY LIMITATION.—During the one-
 18 year period beginning on the date of the enactment
 19 of this Act, the Secretary of Defense may not in-
 20 crease the amount of a copayment charged to a cov-
 21 ered individual for any service described in para-
 22 graph (2) beyond the amount that the Secretary
 23 would have charged to the covered individual for
 24 such service during fiscal year 2021.

1 (2) SERVICES DESCRIBED.—A service described
2 in this paragraph is a service—

3 (A) that is furnished to a covered indi-
4 vidual by a specialty care provider under the
5 TRICARE program; and

6 (B) that is not covered under section
7 1075b of title 10, United States Code, as added
8 by subsection (a).

9 (3) APPLICABILITY.—The limitation on copay-
10 ments specified in paragraph (1) shall apply with re-
11 spect to specialty care received on or after the date
12 of the enactment of this Act.

13 (c) REPORT ON EFFECTS OF LIMITATIONS.—Not
14 later than one year after the date of the enactment of this
15 Act, the Secretary shall submit to the Committees on
16 Armed Services of the House of Representatives and the
17 Senate a report on how the limitation under section 1075b
18 of title 10, United States Code (as added by subsection
19 (a)) has affected, or may affect, the health care system
20 of the Department of Defense. Such report shall include—

21 (1) any findings by the Secretary as to whether
22 the limitation under such section 1075b may result
23 in an increase in copayments charged for services
24 described in subsection (b)(2) after the period speci-
25 fied in subsection (b)(1) concludes; and

1 (2) recommendations by the Secretary on how
2 to avoid such an increase, as applicable.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “covered individual” has the
5 meaning given such term in section 1075b of title
6 10, United States Code, as added by subsection (a).

7 (2) The term “TRICARE program” has the
8 meaning given such term in section 1072 of such
9 title.

○