



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

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MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
DIRECTOR, TRICARE MANAGEMENT ACTIVITY

SUBJECT: Implementation of Section 1631 of the National Defense Authorization Act for Fiscal Year 2008, Medical and Dental Care for Former Members with Serious Injuries or Illnesses

References: (a) National Defense Authorization Act for Fiscal Year 2008, Section 1631
(b) Directive-Type Memorandum 08-049, "Recovery Coordination Program: Improvements to the Care, Management, and Transition of Recovering Service Members (RSMs)," January 19, 2009
(c) Title 32, Code of Federal Regulations (32 C.F.R.), Part 199.16, 199.17(p)(5)

Reference (a) authorizes the Secretary of Defense to provide any former member of the Armed Forces, who is seriously injured or ill, with the same medical and dental care as members on Active-Duty, provided that care is not reasonably available through the Department of Veterans Affairs (VA). In the supporting Conference Report language, the conferees expressed concern that because the health care benefit for Service members on Active-Duty includes limited health care benefits that are not available to Service members in a retired status, there is an incentive for some seriously wounded Service members to remain on Active-Duty solely for the increased medical benefit. The conferees intended that this provision be implemented by the Secretary of Defense in a manner that will ensure that severely wounded or ill service members who are medically retired experience no gap in health care coverage due to lack of reasonably available capacity of the Veterans Health Administration or any limitation in current health care benefits required by the member.

It is Department of Defense (DoD) policy to provide to a medically retired former member of the Armed Forces enrolled in the Federal Recovery Coordination Program the same medical and dental care for that serious illness or injury that would be available to an Active-Duty Service member when the care is not reasonably available through the VA.

Under reference (b), injured or ill Service members are categorized based on the severity of their illness or injury. The severely injured or ill (category 3) are identified and assigned Federal Recovery Coordinators. The seriously injured or ill (category 2) are identified and assigned a Recovery Care Coordinator. Through the DoD/VA Federal Recovery Coordination Program, services are coordinated and tracked as enrolled members move through recovery, rehabilitation, retirement/separation, and reintegration into the community. Each of these members is served by a Federal Recovery Coordinator, a recovery team, and an online Individual Recovery Plan. This online tool allows the recovery team to track appointments and support compliance with the medical-care plan and other support services.

In cases in which the care required for the member's serious illness or injury is not reasonably available through the VA or is not available in a timely manner, consistent with the DoD access-to-care standards of 32 C.F.R. 199.17(p)(5) (Reference (c)), the Federal Recovery Coordinator will facilitate care through military treatment facilities or TRICARE network providers. The fact that care was not reasonably available through the VA will be documented and forwarded from the VA Director of Patient Care Services to the Federal Recovery Coordinator for inclusion in the member's Individual Recovery Plan, with a copy sent to the Director of the TRICARE Regional Office for the region where the patient lives. This authorization recorded in the Individual Recovery Plan will be the basis for DoD to pay for the required services under the Supplemental Health Care Program of 32 C.F.R. 199.16 (Reference (c)). Retired members who were in category 2 and were assigned a Recovery Care Coordinator may access the special authority under section 1631 by having their Recovery Care Coordinator contact the Federal Recovery Coordinator Program.

Qualification will terminate, however, for those members who are initially authorized while included on the Temporary Disability Retirement List (TDRL) when/if it is determined they achieve a "fit for duty" status. The authority provided in this memorandum expires December 31, 2012. My point of contact for this policy is Lieutenant Colonel Judy Schulik, who may be reached at (703) 681-0039 or at Judith.Schulik@tma.osd.mil.



Gail H. McGinn

Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)