



**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
HEALTH AFFAIRS**

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FEB 21 2012

TRICARE  
MANAGEMENT  
ACTIVITY

MEMORANDUM FOR: ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND  
RESERVE AFFAIRS)  
ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND  
RESERVE AFFAIRS)  
ASSISTANT SECRETARY OF THE AIR FORCE (MANPOWER  
AND RESERVE AFFAIRS)  
COMMANDER, JOINT TASK FORCE NATIONAL CAPITAL  
REGION - MEDICAL

SUBJECT: Use of Supplemental Health Care Program Funds for Non-Covered TRICARE  
Health Care Services and the Waiver Process for Active Duty Service Members

- References:
- (a) Title 10, United States Code, Section (Sec.) 1074
  - (b) Title 32, Code of Federal Regulations, Part 199
  - (c) TRICARE Policy Manual, Department of Defense (DoD) 6010.57-M,  
February 2008 and DoD 6010.54-M, August 2002
  - (d) TRICARE Operations Manual, DoD 6010.56-M, February 1, 2008, and  
DoD 6010.51-M, August 1, 2002
  - (e) National Defense Authorization Act for Fiscal Year (FY) 2008, Sec. 1631(a)
  - (f) Health Affairs Policy 09-021, "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," June 10, 2009

As specified in Reference (a) and implemented in Reference (b), members of the Uniformed Services are entitled to medical and dental care in Military Treatment Facilities (MTFs) and also in private facilities (purchased care) using Supplemental Health Care Program (SHCP) funds. Coverage of medical care in private facilities for Service members shall be comparable to coverage for medical care under the TRICARE Prime program. The Director of TRICARE Management Activity (TMA) is authorized (Reference (b)) to exercise discretionary authority to waive any requirements of TRICARE regulations, including the TRICARE Basic Program Benefits, except those specifically set forth in statute, based on "a determination that such waiver is necessary to assure adequate availability of health care to Active Duty members." At the request of an authorized official of the Uniformed Services, the Director of TMA may waive any restrictions or limitations under the Basic Program Benefits.

An MTF or the designated Service Point of Contact (SPOC) may authorize services in the purchased care sector that are within the established scope of the Basic Program Benefits for Service members under SHCP (References (a) through (d)). This authority does not allow MTFs and SPOCs to authorize services, without a properly approved waiver, that are excluded from the

Basic Program Benefits by statute, regulation, or policy; exclusions include unproven drugs, services, supplies, and equipment.

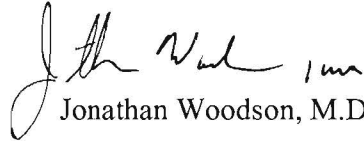
The SHCP waiver process provides an avenue to lawfully cover otherwise non-covered services for Service members in certain circumstances that will enable them to return to full duty/worldwide deployable status, or to reach their maximum rehabilitative potential. While the Department wants to ensure that Service members have access to the latest, promising medical technologies and procedures, there must be assurance that such care is safe and effective, and that members are not subjected to undue risk, or rendered unfit for continued service, as a result of complications suffered as a result of unproven medical care. Clinical history and medical justification for the requested non-covered medical service, and information regarding the potential impact of the requested health care service on the Service member's fitness for duty and military readiness, are essential elements of the waiver request. Requested care will be reviewed in conjunction with other available, proven treatments, if any exist, to determine whether or not approval of the requested care is necessary to assure the adequate availability of health care to the member. Additionally, some requested care may have long-term residual impacts and/or require ongoing care and medications as a potential result. The attached provides process flow charts for the SHCP waiver process, SHCP waiver form, and instructions concerning the preparation of a SHCP waiver.

By federal regulation (Reference (b)), TRICARE benefits may not be extended for complications resulting from non-covered initial surgeries and treatments. Consequently, careful scrutiny of such requests and appropriate counseling of Service members regarding potential long-term consequences after the expiration of their Active Duty service are necessary prerequisites to waiver approval. Should a waiver be granted, and the treatment remains a non-covered TRICARE benefit, any follow-on care, including care for complications, will not be covered by TRICARE once the Active Duty Service member (ADSM) separates or retires, and that individual may then be financially responsible for the costs of such follow-on care.

A separate policy memorandum is being developed for seriously ill or injured Service members to participate in non-cancer clinical trials, such as hand transplants. In the meantime, the waiver request process as defined in this policy memorandum will be followed for these individuals.

Pursuant to References (e) and (f), medically retired former members of the Armed Forces enrolled in the Federal Recovery Coordination Program are afforded the same medical and dental care for their serious injury or illness as would be available to an ADSM when the care is not reasonably available through the Veterans Administration (VA). Non-availability of care through VA will be documented and forwarded from the VA Director of Patient Care to the Federal Recovery Coordinator for inclusion in the member's Individual Recovery Plan. If the benefit is not covered by TRICARE, a waiver will need to be submitted with Service endorsement, and a copy of the non-availability of care statement from VA, in accordance with the above outlined policy.

Updates to this policy will be published, if required, to reflect changes to the waiver process or requirements. Questions may be directed to the Senior Medical Director in the Office of the Chief Medical Officer of TMA in Falls Church, Virginia at (703) 681-0068.

  
Jonathan Woodson, M.D.

Attachments:

As stated

cc:

Surgeon General of the United States Army

Surgeon General of the United States Navy

Surgeon General of the United States Air Force

Joint Staff Surgeon