

118TH CONGRESS
2D SESSION

S. 4891

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 SENATE OF THE UNITED STATES

JULY 31, 2024

Mr. CASEY (for himself, Mr. BROWN, Mrs. GILLIBRAND, Ms. STABENOW, Mr. WELCH, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and 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 of this chapter, the Secretary
 15 of Defense may not charge to a covered individual a copay-
 16 ment in an amount greater than the amount described in
 17 subsection (b) for an outpatient visit for mental health or
 18 behavioral health under the TRICARE program, regard-
 19 less of whether such outpatient visit is furnished by a spe-
 20 cialty care provider.

21 “(b) AMOUNT DESCRIBED.—The amount described
 22 in this subsection with respect to a covered individual is
 23 the amount of a copayment that would be charged to the
 24 covered individual under the TRICARE program for an
 25 outpatient visit for primary care services during the year

1 in which the covered individual is being charged pursuant
2 to subsection (a).

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

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

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

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

17 (b) TEMPORARY LIMITATION ON OTHER SPECIALTY
18 CARE COPAYMENTS.—

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

1 would have charged to the covered individual for
2 such service during fiscal year 2021.

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

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

8 (B) that is not covered under section
9 1075b of title 10, United States Code, as added
10 by subsection (a).

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

15 (c) REPORT ON EFFECTS OF LIMITATIONS.—

16 (1) IN GENERAL.—Not later than one year
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the Committee on
19 Armed Services of the Senate and the Committee on
20 Armed Services of the House of Representatives a
21 report on how the limitation under section 1075b of
22 title 10, United States Code (as added by subsection
23 (a)), has affected, or may affect, the health care sys-
24 tem of the Department of Defense.

1 (2) ELEMENTS.—The report required under
2 paragraph (1) shall include—

3 (A) any findings by the Secretary as to
4 whether the limitation under section 1075b of
5 title 10, United States Code (as added by sub-
6 section (a)), may result in an increase in copay-
7 ments charged for services described in sub-
8 section (b)(2) after the period specified in sub-
9 section (b)(1) concludes; and

10 (B) recommendations by the Secretary on
11 how to avoid such an increase, as applicable.

12 (d) DEFINITIONS.—In this section:

13 (1) COVERED INDIVIDUAL.—The term “covered
14 individual” has the meaning given that term in sec-
15 tion 1075b of title 10, United States Code, as added
16 by subsection (a).

17 (2) TRICARE PROGRAM.—The term
18 “TRICARE program” has the meaning given that
19 term in section 1072 of such title.

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