

**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. SESTAK OF PENNSYLVANIA**

At the end of subtitle A of title VII (page 244, after
line 8), insert the following new section:

1 **SEC. 708. TREATMENT OF AUTISM UNDER TRICARE.**

2 (a) IN GENERAL.—Section 1077 of title 10, United
3 States Code, is amended—

4 (1) in subsection (a), by adding at the end the
5 following new paragraph:

6 “(18) In accordance with subsection (g), treat-
7 ment of autism spectrum disorders.”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(g)(1) For purposes of subsection (a)(18), and to
11 the extent that appropriated funds are available for the
12 purposes of this subsection, treatment of autism spectrum
13 disorders shall be provided if a health care professional
14 determines that the treatment is medically necessary.

15 Such treatment shall include the following:

16 “(A) Habilitative or rehabilitative care.

17 “(B) Pharmaceutical agents.

18 “(C) Psychiatric care.

19 “(D) Psychological care.

1 “(E) Speech therapy.

2 “(F) Occupational therapy.

3 “(G) Physical therapy.

4 “(H) Group therapy, if a health care profes-
5 sional determines it necessary to develop, maintain,
6 or restore the skills of the beneficiary.

7 “(I) Any other care or treatment that a health
8 care professional determines medically necessary.

9 “(2) Beneficiaries under the age of five who have de-
10 velopmental delays and are considered at-risk for autism
11 may not be denied access to treatment described by para-
12 graph (1) if a health care professional determines that the
13 treatment is medically necessary .

14 “(3) The Secretary may not consider the use of ap-
15 plied behavior analysis or other structured behavior pro-
16 grams under this section to be special education for pur-
17 poses of section 1079(a)(9) of this title.

18 “(4) In carrying out this subsection, the Secretary
19 shall ensure that—

20 “(A) a person who is authorized to provide ap-
21 plied behavior analysis or other structured behavior
22 programs is licensed or certified by a state, the Be-
23 havior Analyst Certification Board, or other accred-
24 ited national certification board; and

1 “(B) if applied behavior analysis or other struc-
2 tured behavior program is provided by an employee
3 or contractor of a person authorized to provide such
4 treatment, the employee or contractor shall meet
5 minimum qualifications, training, and supervision
6 requirements consistent with business best practices
7 in the field of behavior analysis and autism services.

8 “(5)(A) This subsection shall not apply to a medi-
9 care-eligible beneficiary.

10 “(B) Except as provided in subparagraph (A), noth-
11 ing in this subsection shall be construed as limiting or oth-
12 erwise affecting the benefits provided to a medicare-eligi-
13 ble beneficiary under—

14 “(i) this chapter;

15 “(ii) part A of title XVIII of the Social Security
16 Act (42 U.S.C. 1395c et seq.); or

17 “(iii) any other law.

18 “(6) In this section:

19 “(A) The term ‘autism spectrum disorders’ in-
20 cludes autistic disorder, Asperger’s syndrome, and
21 any of the pervasive developmental disorders as de-
22 fined by the most recent edition of the Diagnostic
23 and Statistical Manual of Mental Disorders.

24 “(B) The term ‘habilitative and rehabilitative
25 care’ includes—

1 “(i) professional counseling;
2 “(ii) guidance service;
3 “(iii) treatment programs, including not
4 more than 40 hours per week of applied behav-
5 ior analysis; and

6 “(iv) other structured behavior programs
7 that a health care professional determines nec-
8 essary to develop, improve, maintain, or restore
9 the functions of the beneficiary.

10 “(C) The term ‘health care professional’ has the
11 meaning given that term in section 1094(e)(2) of
12 this title.

13 “(D) The term ‘medicare-eligible’ has the
14 meaning given that term in section 1111(b) of this
15 title.”.

16 (b) REGULATIONS.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary of
18 Defense shall prescribe such regulations as may be nec-
19 essary to carry out section 1077(a)(18) of title 10, United
20 States Code, as added by subsection (a).

21 (c) FUNDING.—

22 (1) FUNDING INCREASE.—The amount other-
23 wise provided by section 1403 for
24 TRICARE funding is hereby in-
25 creased by \$ 50,000,000 to provide

1 funds to carry out section 1077(a)(18) of title 10,
2 United States Code, as added by subsection (a).

3 (2) OFFSETTING REDUCTION.—

Reduce the amount of Operation and Maintenance, Army, by \$25,000,000, to be derived from the Service-wide Communications.

Reduce the amount of Operations and Maintenance, Navy, by \$15,000,000, to be derived from Service-wide Communications.

Reduce the amount of Research Development Test & Evaluation, by \$10,000,000, to be derived from Advanced Aerospace Systems Integrated Sensor IS Structure, PE 68286E