

**AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. SESTAK OF PENNSYLVANIA**

Page 266, after line 8, insert the following:

1 **SEC. 706. BEHAVIORAL HEALTH TREATMENTS UNDER**
2 **TRICARE.**

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

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

7 “(18) In accordance with subsection (g), behav-
8 ioral health treatments, including applied behavior
9 analysis.”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(g)(1) For purposes of subsection (a)(18), behav-
13 ioral health treatments, including applied behavior anal-
14 ysis, shall be provided if a health care professional deter-
15 mines that the treatment is medically necessary, regard-
16 less of whether such treatment is also considered edu-
17 cational or habilitative.

18 “(2) The Secretary may not consider the use of be-
19 havioral health treatments to be special education for pur-
20 poses of section 1079(a)(9) of this title.

1 “(3) In carrying out this subsection, the Secretary
2 shall ensure that—

3 “(A) a person who is authorized to provide be-
4 havioral health treatments is licensed or certified by
5 a State, the Behavior Analyst Certification Board,
6 or other accredited national certification board; and

7 “(B) if applied behavior analysis is provided by
8 an employee or contractor of a person authorized to
9 provide such treatment, the employee or contractor
10 shall meet minimum qualifications, training, and su-
11 pervision requirements consistent with business best
12 practices.

13 “(4)(A) This subsection shall only apply to a covered
14 beneficiary who is a beneficiary by virtue of—

15 “(i) service in the armed forces (not including
16 the Coast Guard); or

17 “(ii) being a dependent of a member of the
18 armed forces (not including the Coast Guard).

19 “(B) This subsection shall not apply to a medicare-
20 eligible beneficiary.

21 “(C) Except as provided in subparagraph (B), noth-
22 ing in this subsection shall be construed as limiting or oth-
23 erwise affecting the benefits provided to a medicare-eli-
24 ble beneficiary under—

25 “(i) this chapter;

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

3 “(iii) any other law.

4 “(5)(A) Except as provided in subparagraph (B),
5 nothing in this subsection shall affect any demonstration
6 project, including the autism services demonstration
7 project, in effect as of September 30, 2010.

8 “(B) The Secretary shall ensure that the autism serv-
9 ices demonstration project is continued for behavioral
10 health treatments delivered under this subsection and in-
11 cludes other patient groups with similar behavior charac-
12 teristics and symptoms as autism spectrum disorders.

13 “(7) In this section:

14 “(A) The term ‘applied behavior analysis’
15 means the design, implementation, and evaluation of
16 environmental modifications, using behavioral stim-
17 uli and consequences, to produce socially significant
18 improvement in human behavior, including by the
19 use of direct observation, measurement, and func-
20 tional analysis of the relationship between environ-
21 ment and behavior.

22 “(B) The term ‘health care professional’ has
23 the meaning given that term in section 1094(e)(2)
24 of this title.

1 “(C) The term ‘medicare-eligible’ has the mean-
2 ing given that term in section 1111(b) of this title.”.

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

8 (c) ADDITIONAL AMOUNT FOR TRICARE FUND-
9 ING.—The amount authorized to be appropriated by sec-
10 tion 1409 for TRICARE funding is increased by
11 \$50,000,000 for medical care for dependents.

12 (d) OFFSETS.—

13 (1) AEROSPACE SENSOR.—The amount author-
14 ized to be appropriated by section 201(3) for re-
15 search, development, test, and evaluation for the Air
16 Force is hereby decreased by \$10,000,000, with the
17 amount of the decrease to be derived from the
18 amounts available for the Advanced Aerospace Sys-
19 tems Integrated Sensor IS Structure (PE 68286E).

20 (2) OPERATION AND MAINTENANCE, ARMY.—
21 The amount authorized to be appropriated by sec-
22 tion 301(1) for operation and maintenance, Army, is
23 hereby decreased by \$25,000,000, with the amount
24 of the decrease to be derived from the amounts
25 available for service-wide communications.

1 (3) OPERATION AND MAINTENANCE, NAVY.—
2 The amount authorized to be appropriated by sec-
3 tion 301(2) for operation and maintenance, Navy, is
4 hereby decreased by \$15,000,000, with the amount
5 of the decrease to be derived from the amounts
6 available for service-wide communications.

