



(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

Ms. HOULAHAN introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**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 under this chapter, the Sec-  
15 retary of Defense may not charge to a covered individual  
16 a copayment in an amount greater than the amount de-  
17 scribed in subsection (b) for an outpatient visit for mental  
18 health or behavioral health under the TRICARE program,  
19 regardless of whether such outpatient visit is furnished by  
20 a specialty care provider.

21 “(b) AMOUNT DESCRIBED.—The amount described  
22 in this subsection is the amount of a copayment that  
23 would be charged to the covered individual under the  
24 TRICARE Program for an outpatient visit for primary  
25 care services during the year in which the covered indi-  
26 vidual is being charged pursuant to subsection (a).

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

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

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

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

15           (b) TEMPORARY LIMITATION ON OTHER SPECIALTY  
16 CARE COPAYMENTS.—

17           (1) TEMPORARY LIMITATION.—During the one-  
18 year period beginning on the date of the enactment  
19 of this Act, the Secretary of Defense may not in-  
20 crease the amount of a copayment charged to a cov-  
21 ered individual for any service described in para-  
22 graph (2) beyond the amount that the Secretary  
23 would have charged to the covered individual for  
24 such service during fiscal year 2021.

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

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

6                   (B) that is not covered under section  
7           1075b of title 10, United States Code, as added  
8           by subsection (a).

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

13          (c) REPORT ON EFFECTS OF LIMITATIONS.—Not  
14          later than one year after the date of the enactment of this  
15          Act, the Secretary shall submit to the Committees on  
16          Armed Services of the House of Representatives and the  
17          Senate a report on how the limitation under section 1075b  
18          of title 10, United States Code (as added by subsection  
19          (a)) has affected, or may affect, the health care system  
20          of the Department of Defense. Such report shall include—

21                   (1) any findings by the Secretary as to whether  
22          the limitation under such section 1075b may result  
23          in an increase in copayments charged for services  
24          described in subsection (b)(2) after the period speci-  
25          fied in subsection (b)(1) concludes; and

1           (2) recommendations by the Secretary on how  
2           to avoid such an increase, as applicable.

3           (d) DEFINITIONS.—In this section:

4           (1) The term “covered individual” has the  
5           meaning given such term in section 1075b of title  
6           10, United States Code, as added by subsection (a).

7           (2) The term “TRICARE program” has the  
8           meaning given such term in section 1072 of such  
9           title.