

REFERENCES IN TEXT

Subsection (d)(3), referred to in subsection (c)(4), was redesignated subsection (d)(4) by Pub. L. 114-92, div. A, title VII, §703(c)(1), Nov. 25, 2015, 129 Stat. 861.

AMENDMENTS

2015—Subsec. (b)(2) to (5), Pub. L. 114-92, §703(a), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

Subsec. (c)(2), Pub. L. 114-92, §703(b), inserted “or subsection (b)(2)” after “subsection (b)(1)”.

Subsec. (c)(3), Pub. L. 114-92, §703(g)(1)(A), substituted “subsection (b)(3)” for “subsection (b)(2)” in introductory provisions.

Subsec. (c)(4), Pub. L. 114-92, §703(g)(1)(B), substituted “subsection (b)(4)” for “subsection (b)(3)”.

Subsec. (d)(2), Pub. L. 114-92, §703(c)(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (d)(3), Pub. L. 114-92, §703(c)(1), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (d)(3)(A), Pub. L. 114-92, §703(g)(2)(A), substituted “subsection (b)(3)” for “subsection (b)(2)” in introductory provisions.

Subsec. (d)(4), Pub. L. 114-92, §703(c)(1), (g)(2)(B), redesignated par. (3) as (4) and substituted “subsection (b)(4)” for “subsection (b)(3)” in introductory provisions. Former par. (4) redesignated (5).

Subsec. (d)(5), Pub. L. 114-92, §703(c)(1), (g)(2)(C), redesignated par. (4) as (5) and substituted “subsection (b)(5)” for “subsection (b)(4)”.

Subsec. (e), Pub. L. 114-92, §703(d), (g)(3), inserted “or subsection (b)(2)” after “subsection (b)(1)” and substituted “subsection (b)(3) or subsection (b)(4)” for “subsection (b)(2) or subsection (b)(3)”.

Subsec. (g)(1)(B), Pub. L. 114-92, §703(e)(2), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (g)(1)(C), Pub. L. 114-92, §703(e)(1), (g)(4)(A)(i), redesignated subpar. (B) as (C) and substituted “subsection (b)(3)” for “subsection (b)(2)”. Former subpar. (C) redesignated (D).

Subsec. (g)(1)(D), Pub. L. 114-92, §703(e)(1), (g)(4)(A)(ii), redesignated subpar. (C) as (D) and substituted “subsection (b)(4)” for “subsection (b)(3)” in introductory provisions. Former subpar. (D) redesignated (E).

Subsec. (g)(1)(E), Pub. L. 114-92, §703(e)(1), (g)(4)(A)(iii), redesignated subpar. (D) as (E) and substituted “subsection (b)(5)” for “subsection (b)(4)”.

Subsec. (g)(2), Pub. L. 114-92, §703(g)(4)(B), substituted “paragraph (1)(C)” for “paragraph (1)(B)” and “subsection (b)(3)” for “subsection (b)(2)”.

Subsec. (g)(3), Pub. L. 114-92, §703(g)(4)(C), substituted “paragraph (1)(D)” for “paragraph (1)(C)” and “subsection (b)(4)” for “subsection (b)(3)”.

Subsec. (h), Pub. L. 114-92, §703(f), added subsec. (h). 2008—Subsec. (b)(4), Pub. L. 110-181, §705(a), added par. (4).

Subsec. (d)(4), Pub. L. 110-181, §705(b), added par. (4). Subsec. (g)(1)(D), Pub. L. 110-181, §705(c), added subpar. (D).

2003—Subsec. (b)(1), (2)(A), (3)(A), Pub. L. 108-136 substituted “uniformed services” for “armed forces”.

1997—Subsec. (g)(4)(B)(iii)(II), Pub. L. 105-85 substituted “section 1447(13)” for “section 1447(8)”.

1996—Subsec. (a), Pub. L. 104-201 substituted “The Secretary” for “Beginning on October 1, 1994, the Secretary”.

1994—Subsec. (b)(2)(A), Pub. L. 103-337, §702(c)(1), inserted before semicolon “or ceases to meet the requirements for being considered an unmarried dependent under section 1072(2)(I) of this title”.

Subsec. (c)(3), Pub. L. 103-337, §702(c)(2), substituted “dependent” for “child” in two places and “dependent’s” for “child’s” wherever appearing.

Subsec. (d)(2)(A), Pub. L. 103-337, §702(c)(3), substituted “a dependent” for “a child” in introductory provisions, “the dependent” for “the child” in cls. (i) and (ii), and “a dependent under subparagraph (D) or (I) of section 1072(2) of this title;” for “an unmarried de-

pendent child under section 1072(2)(D) of this title,” in cl. (i).

Subsec. (d)(2)(B), Pub. L. 103-337, §702(c)(4), substituted “dependent’s” for “child’s” and “dependent” for “child”.

Subsec. (g)(1)(B), Pub. L. 103-337, §702(c)(5), substituted “a dependent under subparagraph (D) or (I) of section 1072(2) of this title” for “an unmarried dependent child under section 1072(2)(D) of this title”.

Subsec. (g)(2), Pub. L. 103-337, §702(c)(6), substituted “dependent” for “child” in two places.

1993—Subsec. (b)(3)(C), Pub. L. 103-35, §201(g)(1)(A), substituted “subparagraph” for “subparagraphs” after “member under”.

Subsec. (d)(2)(A), Pub. L. 103-35, §201(g)(1)(B), inserted “under” after “coverage”.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title VII, §713(b), Nov. 24, 2003, 117 Stat. 1531, provided that: “The amendments made by subsection (a) [amending this section] shall apply to members of the uniformed services who are not otherwise covered by section 1078a of title 10, United States Code, before the date of the enactment of this Act [Nov. 24, 2003] and who, on or after such date, first meet the eligibility criteria specified in subsection (b) of that section.”

§ 1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities

(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may provide food and beverages to an individual described in paragraph (2) at no cost to the individual.

(2) An individual described in this paragraph is the following:

(A) A member or former member of the uniformed services or dependent—

(i) who is receiving outpatient medical care at a military medical treatment facility; and

(ii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of receiving such care.

(B) A member or former member of the uniformed services or dependent—

(i) who is a family member of an infant receiving inpatient medical care at a military medical treatment facility;

(ii) who provides care to the infant while the infant receives such inpatient medical care; and

(iii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of providing such care to the infant.

(C) A member or former member of the uniformed services or dependent whom the Secretary determines is under similar circumstances as a member, former member, or dependent described in subparagraph (A) or (B).

(b) REGULATIONS.—The Secretary shall ensure that regulations prescribed under this section are consistent with generally accepted practices in private medical treatment facilities.

(Added Pub. L. 112-81, div. A, title VII, §704(a), Dec. 31, 2011, 125 Stat. 1472; amended Pub. L. 113-291, div. A, title VII, §705, Dec. 19, 2014, 128 Stat. 3413.)

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-291, §705(1), substituted “A member or former member” for “A member” wherever appearing.

Subsec. (a)(2)(C). Pub. L. 113-291, §705(2), substituted “member, former member, or dependent” for “member or dependent”.

EFFECTIVE DATE

Pub. L. 112-81, div. A, title VII, §704(c), Dec. 31, 2011, 125 Stat. 1473, provided that: “The amendments made by this section [enacting this section] shall take effect on the date that is 90 days after the date of the enactment of this Act [Dec. 31, 2011].”

§ 1079. Contracts for medical care for spouses and children: plans

(a) To assure that medical care is available for dependents, as described in subparagraphs (A), (D), and (I) of section 1072(2) of this title, of members of the uniformed services who are on active duty for a period of more than 30 days, the Secretary of Defense, after consulting with the other administering Secretaries, shall contract, under the authority of this section, for medical care for those persons under such insurance, medical service, or health plans as he considers appropriate. The types of health care authorized under this section shall be the same as those provided under section 1076 of this title, except as follows:

(1) With respect to dental care—

(A) except as provided in subparagraph (B), only that care required as a necessary adjunct to medical or surgical treatment may be provided; and

(B) in connection with dental treatment for patients with developmental, mental, or physical disabilities or for pediatric patients age 5 or under, only institutional and anesthesia services may be provided.

(2) Consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule and method of cervical cancer screenings and breast cancer screenings, the schedule and method of colon and prostate cancer screenings, and the types and schedule of immunizations—

(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive cervical and breast cancer screenings or colon and prostate cancer screenings.

(3) Not more than one eye examination may be provided to a patient in any calendar year.

(4) Under joint regulations to be prescribed by the administering Secretaries, the services of Christian Science practitioners and nurses and services obtained in Christian Science sanatoriums may be provided.

(5) Durable equipment provided under this section may be provided on a rental basis.

(6) Services in connection with non-emergency inpatient hospital care may not be provided if such services are available at a fa-

cility of the uniformed services located within a 40-mile radius of the residence of the patient, except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services.

(7) Services of pastoral counselors, family and child counselors, or marital counselors (other than certified marriage and family therapists) may not be provided unless the patient has been referred to the counselor by a medical doctor for treatment of a specific problem with the results of that treatment to be communicated back to the medical doctor who made the referral and services of certified marriage and family therapists may be provided consistent with such rules as may be prescribed by the Secretary of Defense, including credentialing criteria and a requirement that the therapists accept payment under this section as full payment for all services provided.

(8) Special education may not be provided, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis.

(9) Therapy or counseling for sexual dysfunctions or sexual inadequacies may not be provided.

(10) Treatment of obesity may not be provided if obesity is the sole or major condition treated.

(11) Surgery which improves physical appearance but is not expected to significantly restore functions (including mammary augmentation, face lifts, and sex gender changes) may not be provided, except that—

(A) breast reconstructive surgery following a mastectomy may be provided;

(B) reconstructive surgery to correct serious deformities caused by congenital anomalies or accidental injuries may be provided; and

(C) neoplastic surgery may be provided.

(12) Any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, certified marriage and family therapist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, may not be provided, except as authorized in paragraph (4). Pursuant to an agreement with the Secretary of Health and Human Services and under such regulations as the Secretary of Defense may prescribe, the Secretary of Defense may waive the operation of this paragraph in connection with clinical trials sponsored or approved by the National Institutes of Health if the Secretary of Defense determines that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments.

(13) The prohibition contained in section 1077(b)(3) of this title shall not apply in the case of a member or former member of the uniformed services.

(14) Electronic cardio-respiratory home monitoring equipment (apnea monitors) for home