DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720–AA48

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment Procedures

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: This proposed rule modifies the TRICARE Prime enrollment for active duty families by specifying that the enrollment period is continuous rather than a 12 month enrollment period and it allows monthly installment payments of enrollment fees for those beneficiaries required to pay an annual fee in order to enroll in TRICARE Prime. These modifications are being made because TRICARE will soon be available wordwide for active duty family members.

DATES: Public comments must be received by September 8, 1998.

ADDRESSES: Forward comments to: TRICARE Support Office (TSO), Program Development Branch, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: Kathleen Larkin, Office of the Assistant Secretary of Defense (Health Affairs), telephone (703) 681–1742.

SUPPLEMENTARY INFORMATION:

I. Proposed Changes Regarding The TRICARE Prime Enrollment Period

This proposes a change to the TRICARE Prime enrollment period from a 12-month enrollment period to continuous enrollment until such time as the enrollee opts to disenroll from TRICARE Prime. TRICARE Prime was originally designed so that enrollees would be required to take positive action to continue their enrollment in TRICARE Prime at or before their 12-month anniversary date. Positive action to reenroll was required because TRICARE implementation was not available in all regions of the country and overseas locations. Now the TRICARE will soon be available worldwide for active duty family members, the requirement that beneficiaries must take positive steps to remain enrolled is not longer necessary. The proposed rule allows the enrollee to remain enrolled in TRICARE Prime until the enrollee takes positive steps to disenroll from TRICARE Prime, or is no longer eligible for TRICARE Prime.

II. Proposed Change to Installment Payments of Enrollment Fees

When we first instituted the requirement for annual TRICARE Prime enrollment fees for certain beneficiary categories, we allowed for quarterly installment payments of the enrollment fees. In keeping with the nature of continuous enrollment, retirees, their families, and other beneficiaries required to pay an annual enrollment fee will be offered additional flexibility in fee payment by allowing for monthly installment payments of enrollment fees.

III. Regulatory Procedures

Executive Order 12866 requires certain regulatory assessments for any significant regulatory action, defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This is not a significant regulatory action under the provisions of Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

The proposed rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 55).

Public comments are invited. All comments will be carefully considered. A discussion of the major issues received by public comments will be included with the issuance of the permanent final rule, anticipated approximately 60 days after the end of the comment period.

List of Subjects in 32 CFR Part 199

Administrative practice and procedures, Claims, Fraud, Health care, Health insurance, Individuals with disabilities, Military personnel, Reporting and recordkeeping requirements.

Accordingly, 32 CFR part 199 is proposed to be amended as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.17 is proposed to be amended by revising paragraphs (o)(2) and (o)(3), redesignating paragraphs (o)(4) and (o)(5) as paragraphs (o)(5) and (o)(6), respectively, and adding a new paragraph (o)(4) to read as follows:

§ 199.17   TRICARE program.

* * * * *

(o) *TRICARE program enrollment procedures.* * * *

(2) *Enrollment period.* Beneficiaries who select the TRICARE Prime option remain enrolled in TRICARE Prime until they take action to disenroll, are no longer eligible for enrollment in TRICARE Prime, or for failure to pay required enrollment fees. There is no minimum length of time an enrollee must remain enrolled in TRICARE Prime before they are eligible to disenroll. Disenrollment for failure to pay enrollment fees is outlined in paragraph (o)(3) of this section.

(3) *Installment payments of enrollment fee.* The enrollment fee required by § 199.18(c) may be paid in monthly or quarterly installments. For beneficiaries paying enrollment fees on an installment basis, failure to make a required installment payment on a timely basis (including a grace period, as determined by the Director, (CHAMPUS) will result in termination of the beneficiary's enrollment in Prime and disqualification from future enrollment in Prime for a period of one year.

(4) *Disenrollment.* Any beneficiary for whom enrollment in Prime is voluntary may disenroll at any time. Disenrollment will take effect in accordance with administrative procedures established by the Assistant Secretary of Defense (Health Affairs) or his or her designee. Beneficiaries who disenroll will not be eligible to reenroll in Prime for a one year period from the effective date of the disenrollment. This one year exclusion may be waived by the Assistant Secretary of Defense (Health Affairs) or his or her designee based on extraordinary circumstances.

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Dated: June 30, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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