



# Department of Defense INSTRUCTION

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September 16, 2011

Incorporating Change 2, Effective May 28, 2020

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USD(P&R)

**SUBJECT:** Health Care Eligibility Under the Secretarial Designee (SECDES) Program and Related Special Authorities

References: See Enclosure 1

1. PURPOSE. This Instruction:

a. In accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), establishes policy and assigns responsibilities pursuant to section 1074(c) of title 10, United States Code (U.S.C.) (Reference (b)), for health care eligibility in accordance with SECDES Program.

b. Implements the requirement of section 2559 of Reference (b), that the United States receive reimbursement for inpatient health care provided in the United States to foreign military or diplomatic personnel or their dependents, except in certain cases covered by reciprocal health care agreements (RHCA) between the DoD and a foreign country.

2. APPLICABILITY. This Instruction:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD (hereinafter referred to collectively as the "DoD Components").

b. Does NOT apply to:

(1) Health care services provided to coalition forces in operational settings, or to allied forces in overseas training exercises and similar activities.

(2) Health care services provided to foreign nationals overseas pursuant to DoDD 3000.05 (Reference (c)), DoD Instruction (DoDI) 2205.02 (Reference (d)), or DoDI 2310.08E (Reference (e)).

3. DEFINITION. See Glossary.

4. POLICY. It is DoD policy that:

a. General Policy. The use of regulatory authority to establish DoD health care eligibility for individuals without a specific statutory entitlement or eligibility shall be used very sparingly, and only when it serves a compelling DoD mission interest. It shall be on a reimbursable basis, unless non-reimbursable care is authorized by this Instruction or reimbursement is waived by the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) or the Secretaries of the Military Departments when they are the approving authority.

b. Foreign Military Personnel and Their Dependents

(1) Medical Treatment Facility (MTF) Care in the United States. Foreign military personnel in the United States pursuant to the sponsorship or invitation of the DoD, and their dependents approved by the DoD to accompany them, are eligible for space-available care as provided in DoDI 1000.13 (Reference (f)). Consistent with section 2559 of Reference (b), in cases in which reimbursement is required by Reference (f), an RHCA may provide a waiver of reimbursement for inpatient and/or outpatient care in the United States in an MTF for military personnel from a foreign country and their dependents, if comparable care is made available to at least a comparable number of U.S. military personnel and their dependents in that foreign country. A disparity of 25 percent or less in the number of foreign personnel and dependents above U.S. personnel and dependents shall be considered within the range of comparable numbers.

(2) Non-MTF Care in the United States. Foreign military personnel in the United States pursuant to the sponsorship or invitation of the DoD, and their dependents approved by the DoD to accompany them, are not eligible for DoD payment for outpatient or inpatient care received from non-DoD providers, except for such personnel covered by the North Atlantic Treaty Organization Status of Forces Agreement (SOFA) or the Partnership for Peace SOFA and authorized care pursuant to the TRICARE Standard program according to part 199 of title 32, Code of Federal Regulations (Reference (g)); outpatient care may be provided as specified therein.

c. Foreign Diplomatic or Other Senior Foreign Officials. Foreign diplomatic or other senior foreign officials and the dependents of such officials may be provided inpatient or outpatient services in MTFs only in compelling circumstances, including both medical circumstances and mission interests, and through case-by-case approval.

(1) In the United States, the approval authority is the USD(P&R). The authority to waive reimbursement for care provided in the United States, to the extent allowed by law, is the USD(P&R) or the Secretaries of the Military Departments when they are the approving authority.

(2) Requests from the State Department or other agency of the U.S. Government will be considered on a reimbursable basis.

(3) Pursuant to section 2559 of Reference (b), reimbursement to the United States for care provided in the United States on an inpatient basis to foreign diplomatic personnel or their dependents is required.

d. Other Foreign Nationals. Other foreign nationals (other than those described in paragraphs 4.b. and 4.c.) may be designated as eligible for space-available care in MTFs only in extraordinary circumstances.

(1) The authority to waive reimbursement for care provided in the United States, to the extent allowed by law, belongs to the USD(P&R) or the Secretaries of the Military Departments when they are the approving authority. Waiver requests will only be considered based on a direct and compelling relationship to a priority DoD mission objective.

(2) Requests from the State Department or other agency of the U.S. Government will be considered on a reimbursable basis. Such requests must be supported by the U.S. Ambassador to the country involved and the Geographic Combatant Commander (GCC) for that area of responsibility and must be premised on critically important interests of the United States.

e. Invited Persons Accompanying the Overseas Force. The Secretaries of the Military Departments and the USD(P&R) may designate as eligible for space-available care from the Military Health System outside the United States those persons invited by the DoD to accompany or visit the military force in overseas locations or invited to participate in DoD-sponsored morale, welfare, and recreation activities. This authority is limited to health care needs arising in the course of the invited activities. Separate approval is needed to continue health care initiated pursuant to this paragraph in MTFs in the United States.

(1) In the case of employees or affiliates of news organizations, all care provided pursuant to the authority of paragraph 4.e is reimbursable. For other individuals designated as eligible pursuant to paragraph 4.e, the designation may provide, to the extent allowed by law, for outpatient care on a non-reimbursable basis, and establish a case-by-case authority for waiver of reimbursement for inpatient care.

(2) Paragraph 4.e. does not apply to employees of the Executive Branch of the United States or personnel affiliated with contractors of the United States.

f. U.S. Nationals Overseas. Health care for U.S. nationals overseas is not authorized, except as otherwise provided in this Instruction.

g. U.S. Government Civilian Employees and Contractor Personnel

(1) Civilian employees of the DoD and other Government agencies, and employees of DoD contractors, and the dependents of such personnel are eligible for MTF care to the extent provided in Reference (f).

(2) Occupational health care services provided to DoD employees pursuant to section 7901 of title 5, U.S.C. (Reference (h)), authorities cited in DoDI 6055.01 (Reference (i)), or pursuant to other authorities except section 1074(c) of Reference (b) are not affected by this Instruction. The Secretaries of the Military Departments and the USD(P&R) may designate DoD civilian employees, applicants for employment, and personnel performing services for the DoD pursuant to Federal contracts as eligible for occupational health care services required by the DoD as a condition of employment or involvement in any particular assignment, duty, or undertaking.

(3) Any health care services provided by the Military Health System to employees of DoD non-appropriated fund instrumentalities shall be on a reimbursable basis.

(4) In the case of DoD civilian employees forward deployed in support of U.S. military personnel engaged in hostilities, eligibility for MTF care (in addition to all eligibility for programs administered by the Department of Labor Office of Workers' Compensation Programs (OWCP)) is as follows:

(a) Consistent with Directive-type Memorandum 17-004 (Reference (j)), DoD civilian employees who become ill, contract diseases, or are injured or wounded while so deployed are eligible for medical evacuation or health care treatment and services in MTFs at the same level and scope provided to military personnel, all on a non-reimbursable basis, until returned to the United States.

(b) DoD civilian employees who, subsequent to such deployment, and have been determined to have OWCP-compensable conditions are eligible for MTF care for such conditions, all on a non-reimbursable basis.

(c) USD(P&R) may, under compelling circumstances, approve additional eligibility for care in MTFs for other U.S. Government civilian employees who become ill or injured while so deployed, or other DoD civilian employees overseas.

(5) Contractor Personnel Authorized to Accompany the Military Services. In the case of contractor personnel authorized to accompany the Military Services in deployed settings pursuant to DoDI 3020.41 (Reference (k)), MTF care may be provided as stated in Reference (k).

h. Emergency Health Care. The Secretaries of the Military Departments and the USD(P&R) may designate emergency patients as eligible for emergency health care from MTFs in the United States pursuant to arrangements with local health authorities or in other appropriate circumstances. Such care shall be on a reimbursable basis, unless waived by the USD(P&R) or the Secretaries of the Military Departments when they are the approving authority.

i. Research Subject Volunteers. Research subjects are eligible for health care services from MTFs to the extent DoD Components are required by DoDD 3216.02 (Reference (l)) to establish procedures to protect subjects from medical expenses that are a direct result of participation in the research. Such care is on a non-reimbursable basis and limited to research injuries (unless the volunteer is otherwise an eligible health care beneficiary). Care is authorized during the pendency of the volunteer's involvement in the research, and may be extended further upon the approval of the USD(P&R).

j. Continuity of Care Extensions of Eligibility. The Secretaries of the Military Departments and the USD(P&R) may establish temporary eligibility on a space-available basis for former members and former dependents of members of the uniformed services for a limited period of time, not to exceed 6 months or, in the case of pregnancy, the completion of the pregnancy, after statutory eligibility expires when appropriate to allow completion or appropriate transition of a course of treatment begun prior to such expiration. In the case of a pregnancy covered by this paragraph, the designation of eligibility may include initial health care for the newborn infant. Care pursuant to this paragraph is authorized on a nonreimbursable basis for the former member or former dependent of member. Care pursuant to this paragraph for the newborn of those former members or former dependents is authorized, but on a full reimbursable basis unless the Secretary of the Military Department concerned elects to use SECDES status for the newborn.

k. Service Members. The Secretaries of the Military Departments and the USD(P&R) may establish eligibility not specifically provided by statute for critical mission-related health care services for designated Service members, such as Reserve Component members not in a present duty status. This authority includes payment for health care services in private facilities to the extent authorized by section 1074(c) of Reference (b). Care pursuant to this paragraph is non-reimbursable.

l. Certain Senior Officials of the U.S. Government. The officials and others listed in Enclosure 2 are designated as eligible for space-available inpatient and outpatient health care services from the Military Health System on a reimbursable basis.

m. Nonmedical Attendants. The Secretaries of the Military Departments and the USD(P&R) may designate as eligible for space available MTF care persons designated as nonmedical attendants as defined by 37 U.S.C. 411k(b) (Reference (m)). Costs of medical care rendered are reimbursable unless reimbursement is waived by the Secretary of the Military Department concerned or USD(P&R). This authority is limited to health care needs arising while designated as a nonmedical attendant.

n. Patient Movement. Provisions of this Instruction concerning inpatient care shall also apply to requests for patient movement through the medical evacuation system pursuant to DoDI 6000.11 (Reference (n)). Aeromedical evacuation transportation assets are reserved for those individuals designated as SECDESs who need transportation to attain necessary health care.

o. Other Individuals Entitled to DoD Identification (ID) Card. Other individuals entitled to a DoD ID card pursuant to Reference (f) are eligible for space-available MTF health care to the extent provided in Reference (f).

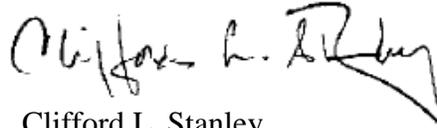
p. Reciprocity Among Military Departments and the Defense Health Agency (DHA). Subject to the capabilities of the professional staff, the availability of space and facilities, and any other limitation imposed by the approving authority, all Services and the DHA will provide medical treatment in DoD MTFs to individuals who have been granted SECDES status by any of the Secretaries of the Military Departments. Each agreement must identify the specific MTF or geographical region in which medical care is requested, requiring close coordination among service program managers.

5. RESPONSIBILITIES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This Instruction is available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

7. SUMMARY OF CHANGE 2. The change to this issuance updates references and removes expiration language in accordance with current Chief Management Officer of the Department of Defense direction.

8. EFFECTIVE DATE. This Instruction is effective September 26, 2011.



Clifford L. Stanley  
Under Secretary of Defense  
for Personnel and Readiness

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) Sections 1074(c), 2559, and chapter 55 of title 10, United States Code
- (c) DoD Directive 3000.05, “Stabilization,” December 13, 2018
- (d) DoD Instruction 2205.02, “Humanitarian and Civic Assistance (HCA) Activities,” June 23, 2014, as amended
- (e) DoD Instruction 2310.08E, “Medical Program Support for Detainee Operations,” September 5, 2019
- (f) DoD Instruction 1000.13, “Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals,” January 23, 2014, as amended
- (g) Part 199 of title 32, Code of Federal Regulations
- (h) Section 7901 of title 5, United States Code
- (i) DoD Instruction 6055.01 “DoD Safety and Occupational Health (SOH) Program,” October 14, 2014, as amended
- (j) Directive-type Memorandum 17-004, “Department of Defense Expeditionary Civilian Workforce,” January 25, 2017, as amended
- (k) DoD Instruction 3020.41, “Contractor Personnel Authorized to Accompany the U.S. Armed Forces,” December 20, 2011, as amended
- (l) DoD Instruction 3216.02, “Protection of Human Subjects and Adherence to Ethical Standards in DoD-Conducted and -Supported Research,” April 15, 2020
- (m) 37 USC 411k(b), “Pay And Allowances Of The Uniformed Services”
- (n) DoD Instruction 6000.11 “Patient Movement (PM),” June 22, 2018
- (o) DoD Instruction 5530.03, “International Agreements,” December 4, 2019

ENCLOSURE 2

ELIGIBLE SENIOR OFFICIALS OF THE U.S. GOVERNMENT

The following individuals are SECDEs for space-available care in MTFs on a reimbursable basis, unless specified otherwise by a Service Secretary:

- a. The President and Vice President, and their spouses and minor children.
- b. Members of Congress.
- c. Members of the Cabinet.
- d. Officials of the DoD appointed by the President and confirmed by the Senate.
- e. Article III Federal Judges. (Article III courts are: The Supreme Court of the United States, U.S. Courts of Appeal, U.S. District Courts, U.S. Court of International Trade, United States Foreign Intelligence Surveillance Court, United States Foreign Intelligence Surveillance Court of Review).
- f. Judges of the U.S. Court of Appeals for the Armed Forces.
- g. Assistants to the President.
- h. Director of the White House Military Office.
- i. Former Presidents of the United States and their spouses, widows, and minor children.

ENCLOSURE 3

RESPONSIBILITIES

1. USD(P&R). The USD(P&R) shall:

a. Evaluate requests for and, where appropriate, grant exceptions to policy established by this Instruction and Reference (a), including waiver of reimbursement, to the extent allowed by law.

b. Following approval of the Under Secretary of Defense for Policy (USD(P)) and in coordination with USD(P) and the General Counsel of the DoD, and in accordance with DoDI 5530.03 (Reference (o)), begin negotiations, negotiate, and sign RHCAs.

2. DIRECTOR, DHA. Under the authority, direction, and control of the USD(P&R), through the Assistant Secretary of Defense for Health Affairs, the Director, DHA, shall:

a. Issue, revise, or modify implementing guidance to the MTFs assigned to the DHA, as appropriate, to comply with this Instruction.

b. Appoint a representative who will administer the SECDES Program and coordinate its effective operation with other DoD Components.

c. Where and when appropriate, coordinate requests with U.S. Transportation Command's Global Patient Movement Requirements Center.

d. Submit to the respective Service representative for consideration those SECDES requests with Service-specific equities received at DHA MTFs.

e. Submit those SECDES requests without Service-specific equities for staffing to the USD(P&R).

3. USD(P). The USD(P) shall:

a. Evaluate requests and determine DoD mission interest for SECDES Status and RHCAs to identify those agreements that would be in the best interest of the DoD.

b. Approve negotiations of RHCAs by the USD(P&R).

4. UNDER SECRETARY OF DEFENSE (COMPTROLLER) (USD (C))/CHIEF FINANCIAL OFFICER (CFO), DEPARTMENT OF DEFENSE. The USD(C)/CFO shall, in coordination with the USD(P&R), establish appropriate reimbursement rates, including appropriate

interagency rates and rates applicable to students in international military education and training programs.

5. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall evaluate requests for exceptions to the transportation policy and forward the requests to the USD(P&R) or the Secretary of the Military Department concerned for approval.

6. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall:

- a. Issue, revise, or modify Service regulations, as appropriate, to comply with this Instruction.
- b. Appoint a Military Department representative who will administer the SECDES Program and coordinate its effective operation with other DoD Components.
- c. Where and when appropriate, coordinate requests with U.S. Transportation Command's Global Patient Movement Requirements Center.

7. GCCs. The GCCs shall:

- a. Refer requests to waive reimbursement through the Chairman of the Joint Chiefs of Staff to the USD(P&R).
- b. Refer requests for SECDES status for medical care in the United States through the Chairman of the Joint Chiefs of Staff to the USD(P&R).

8. COMMANDER, UNITED STATES TRANSPORTATION COMMAND (CDRUSTRANSCOM). CDRUSTRANSCOM shall:

- a. Coordinate SECDES patient movement with all concerned Military Departments.
- b. Upon request of the Secretaries of the Military Department concerned or GCCs, determine availability of DoD transportation assets or, when cost effective, coordinate with civilian ambulance authorities, to effect transportation of SECDESs as appropriate.
- c. Ensure that the Global Patient Movement Requirements Center, as the regulating agency, consistently serve as the single point of contact for patient movement for SECDES patients using DoD assets upon request.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

CDRUSTRANSCOM	Commander, United States Transportation Command
DHA	Defense Health Agency
DoDD	DoD directive
DoDI	DoD instruction
ID	identification
MTF	medical treatment facility
OWCP	Office of Workers' Compensation Programs
RHCA	reciprocal health care agreement
SECDES	Secretarial Designee
SOFA	status of forces agreement
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
USD(P)	Under Secretary of Defense for Policy

PART II. DEFINITIONS

SECDES Program. The program established pursuant to section 1074(c) of Reference (b) to create by regulation, an eligibility for health care services in MTFs as well as dental treatment facilities for individuals who have no such eligibility pursuant to chapter 55 of Reference (b).