

## Department of Defense

### Report on Implementation of Section 582 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283



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## Table of Contents

<b>List of Acronyms and Abbreviations</b> .....	3
<b>NDAA Background</b> .....	4
<b>Scope of the Effort</b> .....	4
<b>Process for Identification, Enrollment, and Disenrollment</b> .....	5
Standard Process for Identification and Enrollment .....	5
Standard Process for Disenrollment.....	6
<b>Process for the Permanent Change of Orders</b> .....	6
Standard Process for Assignment Coordination .....	6
Review Process for Installations to Ensure Services .....	7
Continuity of Services - Medical Care.....	7
Continuity of Services- EFMP Family Support.....	9
<b>EFMP Respite Care Benefit</b> .....	9
Number of Hours and Eligibility .....	9
<b>Performance Metrics</b> .....	10
<b>Provision of Legal Services</b> .....	11
<b>Solicitation of Feedback from Military Families with Special Needs</b> .....	12
<b>Case Management Model</b> .....	12
<b>Appendix A. Identification and Enrollment Core Process Map</b> .....	15
<b>Appendix B. Disenrollment Core Process Map</b> .....	16
<b>Appendix C. Assignment Coordination Process Map</b> .....	17

## **List of Acronyms and Abbreviations**

**DAF** - Department of the Air Force  
**DEERS** - Defense Enrollment Eligibility Reporting System  
**DHA**- Defense Health Agency  
**DoD** - Department of Defense  
**DoDI** - Department of Defense Instruction  
**EFMP** - Exceptional Family Member Program  
**EIS** - Early Intervention Services  
**ETP** - Exception to Policy  
**HQDA** – Headquarters, Department of the Army  
**IEP**- Individualized Education Program  
**IFSP** - Individualized Family Service Plan  
**MCSC** - Managed Care Support Contractor  
**MTF** – Military Medical Treatment Facility  
**NDAA** - National Defense Authorization Act  
**NLSC** - Naval Legal Service Command  
**OSN** – Office of Special Needs  
**PCM** - Primary Care Manager  
**PCS** – Permanent Change of Station  
**PCMH** - Patient Center Medical Home  
**RLSO** – Regional Legal Service Office  
**USMC** – United States Marine Corps

## **Report on Implementation of Section 582 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283**

Improving the support and services provided to military families with special needs continues to be a priority of the Department of Defense. The Office of Special Needs (OSN) under the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy is responsible for standardizing, enhancing, and improving DoD support for military families with special needs by developing appropriate policies and program oversight. This report describes actions taken to improve the Exceptional Family Member Program (EFMP), as required by section 582 of the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year 2021, Public Law 116-283.

### **NDAA Background**

The NDAA for FY 2021 directed the Secretary of Defense, in coordination with the Secretaries of the Military Departments, to standardize the EFMP across the Military Departments, to the extent practicable. The EFMP standardization requirements include the following:

- Processes for identification and enrollment;
- A process for permanent change of orders to ensure seamless continuity of services;
- The provision of a reason for a declined order for assignment;
- A review process to ensure medical, educational, and family support programs are available to enrolled families;
- Performance metrics for measuring the EFMP across the Department;
- A standard respite care benefit across the covered Armed Forces;
- The provision of legal services by an attorney trained in education law;
- The option for a family enrolled in the EFMP to continue to receive all services under the program and the family separation allowance under specific criteria;
- The solicitation of feedback from military families with special needs utilizing existing family advisory organizations; and
- An EFMP case management model.

### **Scope of the Effort**

To advance the standardization efforts, OSN established an EFMP workgroup comprised of representatives from all of the Military Departments, the DoD Education Activity, the Office of the Assistant Secretary of Defense for Health Affairs, the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy, and the Defense Health Agency (DHA). The expertise of the workgroup members assisted OSN in developing the requirements to enhance and standardize support to military families with special needs. In addition, the group identified the need to establish processes and procedures to increase confidence in the program and improve communication to guide the work. The specified outcomes included:

- Developing transparent processes;

- Providing mechanisms to support families enrolled in the EFMP with clear communication throughout all processes; and
- Ensuring families can easily navigate the program.

OSN will incorporate the standard processes and procedures in the revision of the DoDI 1315.19, "The Exceptional Family Member Program (EFMP)," of April 19, 2017. In addition, the reissuance of the policy will also provide guidance for implementation, including the roles and responsibilities of all stakeholders.

### **Process for Identification, Enrollment, and Disenrollment**

This section describes the standard process for identification, enrollment, and disenrollment of military families with special needs.

#### **Standard Process for Identification and Enrollment**

OSN, in coordination with the Military Departments, developed a standard process for identification and enrollment to provide military families with special needs a consistent procedure regardless of Service affiliation. The process outlines the roles and steps each integral stakeholder performs to ensure the successful enrollment of Service members with family members meeting the criteria. The standard process requires DoD medical or DoD educational professionals to identify the need for EFMP enrollment and refer the Service member to the MTF EFMP Office. In addition to referrals, the Service member may self-identify the need for EFMP enrollment and initiate the process. The process supports the policy requiring EFMP enrollment for active duty Service members whose families include a member with special needs.<sup>1</sup>

The process contains the following key steps:

- The Service member contacts the MTF EFMP Office.
- The Service member and family member work with the medical provider, early intervention specialist, or the education representative to complete the DD Form 2792, "Family Member Medical Summary" or DD Form 2792-1, "Special Education/Early Intervention Summary," as appropriate. As applicable, for educational enrollment, the Service member submits the Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP).
- The MTF EFMP Coordinator reviews the packet for completion and submits it to the Service Enrollment Office.
- The Service Enrollment Office reviews the packet for eligibility and informs the Service member and the MTF EFMP Coordinator of the enrollment decision.
- The Service member submits routine updates utilizing the DD Form 2792 or DD Form 2792-1, a minimum of every three years or sooner as their needs change.

In addition to the key process steps, the MTF EFMP Coordinator assists with coordinating appointments and completes the forms as needed. They also serve as a contact to provide

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<sup>1</sup> Section 1, 1.2.b, DoDI 1315.19, "The Exceptional Family Member Program (EFMP)," April 19, 2017.

additional information and support to the Service member and family navigating the enrollment process. For instances of Service member noncompliance with the enrollment process, the MTF EFMP Coordinator discusses the impact of enrollment refusal with the Service member and contacts their Command as needed. The EFMP Family Support Office contacts all newly enrolled Service members to provide information on how the EFMP will support the family throughout their career.

### **Standard Process for Disenrollment**

Specific circumstances exist in which disenrollment from the EFMP can occur. The circumstances include when a dependent has a change in condition that no longer meets the enrollment criteria as determined by a qualified medical provider, or that no longer requires special education or early intervention services as determined by the educational authority. Service members may also seek administrative disenrollment when the family member is no longer the sponsor's dependent, including the age of majority without guardianship by the sponsor, divorce, loss of custody, and death. If the family member does not meet the criteria for disenrollment, the Service member is required to continue to submit routine updates at a minimum of every three years, or as their dependent's needs change.

The standard process for disenrollment follows below:

- The Service member requests to disenroll from the EFMP due to a change in status.
- The Service member works with the medical provider, EIS specialist, or the education representative, as the case may be, to complete the DD Form 2792 or the DD Form 2791-1.
- For administrative disenrollment, the Service member updates the Defense Enrollment Eligibility Reporting System (DEERS) and provides the necessary documentation.
- The MTF EFMP Coordinator reviews the forms for submission to the Service Enrollment Office.
- The Service Enrollment Office reviews the information, determines if the dependent meets the disenrollment criteria, informs the Service member of the decision, and updates the required systems.

### **Process for the Permanent Change of Orders**

This section describes the standard process for permanent change of orders from one Continental United States (CONUS) location to another CONUS location, to include the review process to ensure the availability of services at the gaining installation. This section also details the process for the continuity of medical care and family support services at the new permanent duty station.

### **Standard Process for Assignment Coordination**

The process begins with identifying a Service member with a family member enrolled in the EFMP for a potential assignment. The process consists of the following steps:

- EFMP staff researches the availability of services at the gaining location for each EFMP-enrolled family member, using the standard factors.
- EFMP staff makes an assignment recommendation based on the availability of services.
- EFMP staff communicates the assignment recommendation to the appropriate offices. For assignment non-recommendations, the Service-specific office provides the Service member with a rationale for the assignment non-recommendation and information on the second review/reconsideration process.
- If the Service member requests a second review of either an assignment recommendation or non-recommendation, the EFMP staff conducts the review and proceeds with the coordination process as applicable.
- If there is no request for a second review, the Personnel Office will finalize the orders or proceed with a new assignment, as applicable.

### **Review Process for Installations to Ensure Services**

OSN and the Military Departments established required standard review factors for determining the availability of services at a new installation. The factors identified include the availability of TRICARE providers, the distance to care, the wait time for providers, the severity of needs, the frequency of care, the availability of providers at the MTF, the TRICARE access to care standards, and the individual needs of the Service member, including dependents with special needs. Each Service utilizes the standard review factors to determine the availability of services at the pending new duty station before finalizing orders.

In addition to the review factors, OSN and the Military Departments established standard expectations for the second review process across the Military Departments. The expectations include:

- The Service member has up to 14 calendar days from the date of the original assignment notification to request a second review and submit additional information for the review.
- The Service has 30 calendar days from the date of the original assignment notification/adjudication to provide a final assignment recommendation, to include notification of the decision to the Service member.

The individualized needs of family members may change during or after the assignment coordination process. Therefore, the second-level review timeline does not prohibit a Service member from addressing new medical needs or evolving medical conditions after 14 days. Service members enrolled in the EFMP can continue to receive all services within the program and a family separation allowance if the Service member's dependent(s) is/are unable to accompany the member to the new duty station for certified medical reasons.

### **Continuity of Services - Medical Care**

After relocation to a new duty station, the continuity of care is a significant challenge for some military families with special needs. To address this concern, DHA developed and disseminated

interim guidance on processes for MTFs to aid in the transition of medical care during permanent change of station (PCS) moves for military families enrolled in the EFMP. The guidance establishes mechanisms to support and streamline the continuity of medical care for these families. The current process is interim guidance until the issuance of the DHA-Procedural Instruction promulgates permanent guidance. DHA is in the process of implementing the interim guidance for full implementation.

The interim guidance requires:

- The DHA MTF point of contact to synchronize monthly with the installation personnel office to obtain a list of upcoming duty station moves for Service members and to coordinate with the appropriate office to determine each involved beneficiary's TRICARE enrollment status.
- For a family member empaneled to an MTF, the DHA MTF point of contact notifies the MTF Primary Care Manager (PCM). The PCM and the Patient Centered Medical Home (PCMH) team ensures a plan is in place during the PCS, including updated medication reconciliation and other needs, and documents the plan in the electronic medical record.
- The losing PCMH team retains the responsibility of coordinating medical care for the EFMP patient until establishment of the patient empanelment at the gaining MTF or to a network provider at the new location.
- The PCMH team informs the Service member and family of the availability of virtual care during the transition to the new duty station.
- If the family member desires empanelment to the MTF at the gaining location, the MTF point of contact works with the Managed Care Support Contractor (MCSC) and the MTF enrollment lead to arrange the empanelment. If no capacity exists at the gaining MTF, the MCSC works to arrange an assignment in the TRICARE private sector if the family member is enrolled or wants to enroll in TRICARE Prime.
- Thirty days before PCS departure, the MTF points of contact at the losing and gaining duty stations arrange a warm handoff virtual meeting amongst all the stakeholders, to include PCMs, PCMH teams, and other MTF representatives for all EFMP patients followed by case management for those who present with complex needs.

Some family members or Service members do not desire empanelment to the direct care system. To provide support in such circumstances, DHA established the following process:

- The losing MTF point of contact connects with the TRICARE contractor to solicit support, notify both the losing and gaining MCSC of the pending move, and coordinates any needed specialty care referrals, appointments, or medications.
- The losing MTF point of contact connects with the gaining MTF point of contact to inform them of the arrival of the incoming member with an exceptional need.
- For empanelment to the MTF, the MTF point of contact works with the MCSC and the MTF enrollment lead to arrange for assignment to a PCM in the MTF.



## **Continuity of Services- EFMP Family Support**

An integral component for ensuring a seamless continuity of care is having an established process for transitioning support services. To achieve this, OSN established standard expectations for the EFMP Family Support warm handoff process. As a component of continuous improvement, OSN will continue to refine and improve upon the warm handoff process.

The warm handoff process requires the following key steps:

- Upon notification of a military family moving to a new location, the losing EFMP Family Support provider offers a warm handoff to the gaining installation EFMP Family Support office.
- If the family agrees to a warm handoff, the losing EFMP Family Support provider works with the family before the move and reviews the support service information, which is then sent to the gaining EFMP Family Support Office using the DD Form 3054, "EFMP Family Needs Assessment," to guide the process.
- The losing EFMP Family Support provider then sends the information to the gaining EFMP Family Support provider, either within or across the Military Services.
- The gaining EFMP Family Support provider confirms the warm handoff with the losing provider, connects with the family, and offers the appropriate family support services.
- If the family accepts the offer for support services, the gaining EFMP Family Support provider works with the family using the DD Form 3054, offers to assist them in developing or updating their Family Services Plan, Addendum 1 of the DD Form 3054, and begins connecting the family with available local resources and support.
- Throughout the process, EFMP Family Support providers record the progress in their Service-specific client database system, and track the information for reporting purposes.

### **EFMP Respite Care Benefit**

The Military Departments provide EFMP respite care as a means of providing temporary relief to family members responsible for the regular care of eligible dependents with special needs. This section details the standardized EFMP respite care program benefits across the Military Departments, and should not be conflated with the TRICARE respite care services provided to primary caregivers of Extended Care Health Option beneficiaries. The standardization components consist of eligibility for respite care and the number of hours allocated.

#### **Number of Hours and Eligibility**

The Department established the standard provision of respite care for eligible families as 32 hours per month of respite care per family with a dependent(s) with profound needs and 20 hours per month of respite care per family with a dependent with moderate needs. The revision of DoDI 1315.19, "The Exceptional Family Member Program," will include an exception to policy (ETP) process. The ETP process will allow for an increase of hours and the provision of

services per family or family member to meet the needs of military families experiencing an exceptional circumstance or hardship. In addition to the standard number of hours, determination of eligibility requires the use of standard rubrics across the Military Departments to establish consistency and align eligibility criteria for military families. The Department leveraged existing rubrics developed by the Marine Corps for the determination of eligibility for respite care.

The implementation of the standard number of hours and eligibility determination process requires a phased-in approach. The phased-in approach is essential to a seamless execution across the Military Departments, as it enables the proper communication of the changes to families. The communication includes providing families with information on the standardization components and the impact of any changes. OSN expects full implementation of the standard respite care hours and eligibility process to occur by the end of fiscal year 2024.

### **Performance Metrics**

This section provides information on the standard metrics for measuring the performance of the EFMP across the Department and with respect to each Military Department. The metrics address access to services and support, execution of the program, and satisfaction with the experience from the Service member's or family's perspective. The performance metrics identified are in addition to the existing performance metrics collected by OSN<sup>2</sup>.

The standard metrics include:

- EFMP identification and enrollment process cycle time<sup>3</sup>;
- EFMP disenrollment process cycle time;
- EFMP assignment coordination process cycle time;
- The number of assignment coordination second level reviews, to include the number of decisions overturned and the number of decisions upheld;
- The number of reassignment totals, to include the reason and losing installation;
- The level of satisfaction with the provision of EFMP services and the navigation of the processes within the program;
- The number of customer complaints related to EFMP and the identified reason(s) for the complaint;
- Percentage or number of assignments/orders, by location and reason, that had to change due to inability to meet needs (prior to relocation);
- The average number of respite care hours used per family; and

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<sup>2</sup> OSN currently collects and stores EFMP performance metrics from the Services quarterly to include: 1) assignment coordination (i.e., number of coordinated assignments, non-recommended assignments), 2) problematic assignments and stabilization requests, 3) Sponsor and family member EFMP enrollment data, 4) Family Support services provided and staffing information at the installation level, and 5) customer feedback data from the responses to the EFMP Family Support Feedback Tool. The EFMP Family Support Feedback Tool is a voluntary and confidential survey that provides families the ability to provide feedback directly to OSN about their recent experience with EFMP Family Support services.

<sup>3</sup> Cycle time is the time from the start to the end of a process.

- The number of families using respite care in comparison to the number of families eligible for respite care, including the reason why.

### **Provision of Legal Services**

This section describes the implementation of actions by the Military Departments to provide legal services to military families with special needs.

#### **United States Army**

To meet the NDAA requirement, the Army partnered with the William and Mary Law School to provide a five-day professional learning course in special education law to 40 legal assistance attorneys across the Army. For attorneys unable to attend the course, the Army provided an on-demand continuing education course on special education law. All Army legal assistance attorneys are available to provide basic legal counseling to all eligible clients, including EFMP families, in the area of special education law. In addition, the Army collaborated with the American Bar Association to connect eligible clients with civilian practitioners' pro bono legal assistance to eligible EFMP families when particularly complex cases arise.

#### **United States Air Force/United States Space Force**

To meet the NDAA requirement, the Department of the Air Force (DAF) identified U.S. Air Force and U.S. Space Force installations that are the primary receiving installations for EFMP families or installations in which EFMP education-related issues appear ongoing. The installations are Lackland, Nellis, Offutt, Maxwell, Elmendorf, Hickam, Andrews, Shaw, MacDill, Tinker, Hurlburt, Scott, Barksdale, Los Angeles, Langley, Eglin, Luke, Peterson, Hill, Travis, Bolling, and Wright-Patterson. Additionally, the DAF sent 40 Judge Advocate General's Corps attorneys to the five-day Special Education Law Boot Camp at William and Mary Law School between June 2020 and June 2021. To provide dedicated support at the headquarters level, DAF hired one attorney dedicated to supporting the EFMP by providing ongoing training, reach-back support for the field legal assistance attorneys, outreach for families, and direct legal assistance in exceptional cases.

#### **United States Marine Corps**

In 2009, the Marine Corps hired two attorneys specializing in disability-related law to provide free legal support and representation to EFMP-enrolled families. These positions, located at Marine Corps Installations East (Camp Lejeune, NC) and Marine Corps Installations West (Camp Pendleton, CA), support families located at permanent duty stations within the purview of the respective regional command structure. Effective July 2021, the Marine Corps hired a third attorney to support EFMP families at the Marine Corps Installations Pacific region located at Marine Corps Base Hawaii. A fourth attorney is expected to be placed in January 2022 at Marine Corps Base Quantico, VA, to provide support to families in Virginia and the greater National Capital Region.

The selection of the locations ensures availability of attorneys in those areas with the majority of EFMP enrolled families. In addition, the Marine Corps secured funding in Fiscal Year 2022 to provide special education law training to legal assistance attorneys located at select Marine Corps installations. This ensures the Marine Corps has attorneys with special education training available to all EFMP-enrolled families.

### **United States Navy**

To meet the NDAA requirement, the Navy hired two EFMP attorneys located at two pilot locations, Region Legal Service Office (RLSO) Mid-Atlantic (Norfolk) and RLSO Southwest (San Diego). The Navy chose the locations based on the high volume of EFMP enrollees, as Navy Regions Mid-Atlantic and Southwest contain over half of the total number of family members with special needs in the Navy. To further expand legal support for EFMP families, permanent legal assistance staff and incoming new judge advocates received specialized legal training to better assist EFMP families. This recurring training will strengthen institutional knowledge across the Fleet.

### **Solicitation of Feedback from Military Families with Special Needs**

The Advisory Panel on Community Support for Military Families with Special Needs (“Special Needs Advisory Panel”) provides informed advice to the Director of the Office of Special Needs on the implementation of the policy as outlined by 10 U.S.C. § 1781c(e). The Special Needs Advisory Panel is a group comprised of seven individuals who are members of military families with special needs. OSN will continue utilizing this panel to solicit feedback from military families with special needs, including discussions on challenges and best practices.

### **Case Management Model**

This section details the Military Departments' actions to develop an EFMP case management model utilizing: (1) a single EFMP office located at the headquarters level to provide oversight; and (2) specialized case managers<sup>4</sup> with an EFMP office at each installation to support military families with special needs.

### **United States Army**

The Army provides EFMP Family Support System Navigators, who are the equivalent of case managers, available at Army Community Services at 68 installations. The Army will also establish a single office to oversee the EFMP at Headquarters Army, Deputy Chief of Staff, G-9, currently planned for early calendar year 2022. The system will make the enrollment,

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<sup>4</sup> EFMP provides non-clinical case management. Non-clinical case management is the provision of information referral to families and individuals that assist them in making informed decisions and navigating resources to improve their quality of life, such as educational, social, community, housing, legal, and financial services. This does not involve coordination and follow-up medical treatments. The implementing policy issuance for the definition is DoDI 1315.19, “The Exceptional Family Member Program (EFMP),” April 19, 2017.

assignment coordination, and family support access easier for Soldiers and their Families. The goal is for full operational capability by March 31, 2022.

### **United States Air Force/United States Space Force**

The DAF established the EFMP Centralized Cell at the Headquarters Air Force Personnel Center in June 2020. The Centralized Cell co-located multi-disciplinary support resources with centralized family member travel screening, thereby facilitating more consistent decision making. The single office consists of staff focused on all components of the EFMP and performs the required functions outlined in the NDAA. Each installation contains EFMP-Medical and EFMP-Family Support offices that provide case managers to assess family needs and facilitate care solutions.

### **United States Marine Corps**

In 2008, the Marine Corps consolidated all EFMP components (Identification and Enrollment, Assignment Coordination, and Family Support) under one office, located at Headquarters Marine Corps. The office develops Service-level policy for EFMP, manages all enrollment functions, conducts assignment coordination, and oversees the implementation of family support services delivered by installation EFMP offices.

There are 15 Marine Corps installation EFMP offices, staffed with a program manager and sufficient case manager(s) to maintain a 1:225 ratio. The Marine Corps assigns all Marines and families enrolled in EFMP to a specific installation EFMP office and Case Manager for customized support. Additionally, the Marine Corps assigns Marines on Independent and Special Duty Assignments and those on recruiting duty to a designated regional office that provides all case management services to geographically dispersed Marines and families.

### **United States Navy**

The Navy will establish a single central headquarters EFMP office at Navy Personnel Command. The Navy will model its EFMP Office after the Marine Corps office to coordinate health care services, PCS order processing, identification/enrollment/disenrollment, and educational support services. The Navy's plan is undergoing a final review to determine the resourcing and implementation requirements.

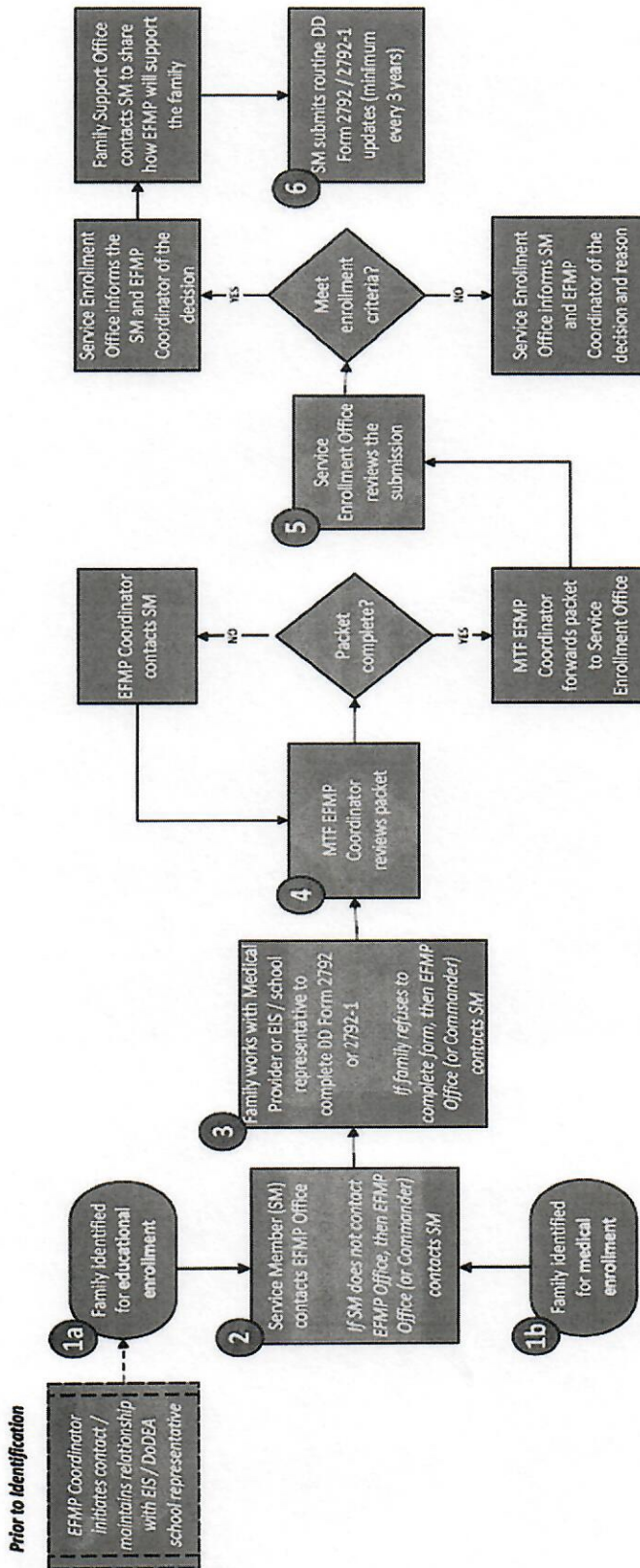
The Navy, with 54 EFMP Case Liaisons, assigns all Sailors and families enrolled in EFMP to a specific region and installation where the Case Liaison provides tailored support. The installation Fleet and Family Support Centers house the EFMP Case Liaisons.

### **Conclusion**

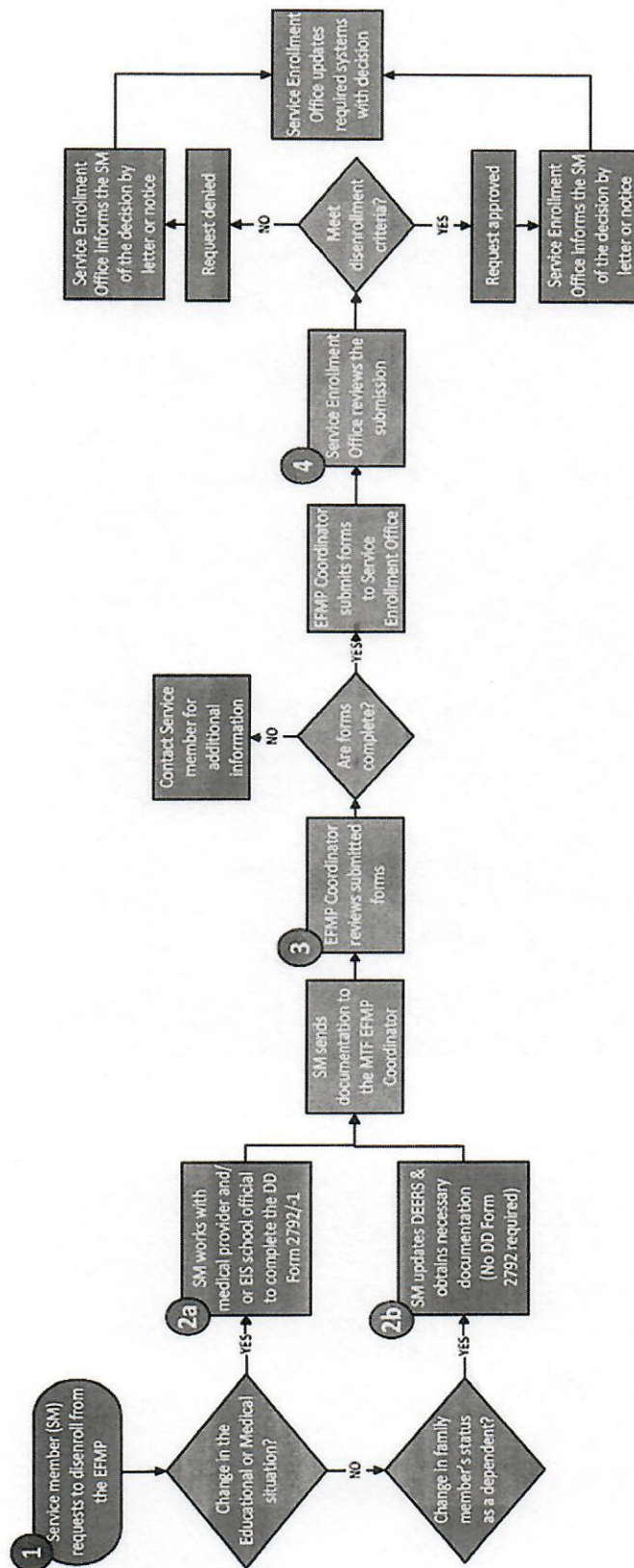
Enhancing the support and services provided to military families with special needs and minimizing the challenges they experience are priorities for the Department. The Department's

Office of Special Needs commits to performing the necessary actions to meet the needs of military families with special needs by implementing program improvement efforts, policy development, and oversight. The OSN recognizes that the need for continued enhancement and improvement of the EFMP is imperative for ensuring the full support to Service members, military families, and the mission readiness of the Joint Force. The Department appreciates the ongoing support of Congress in these efforts.

# Appendix A. Identification and Enrollment Core Process Map

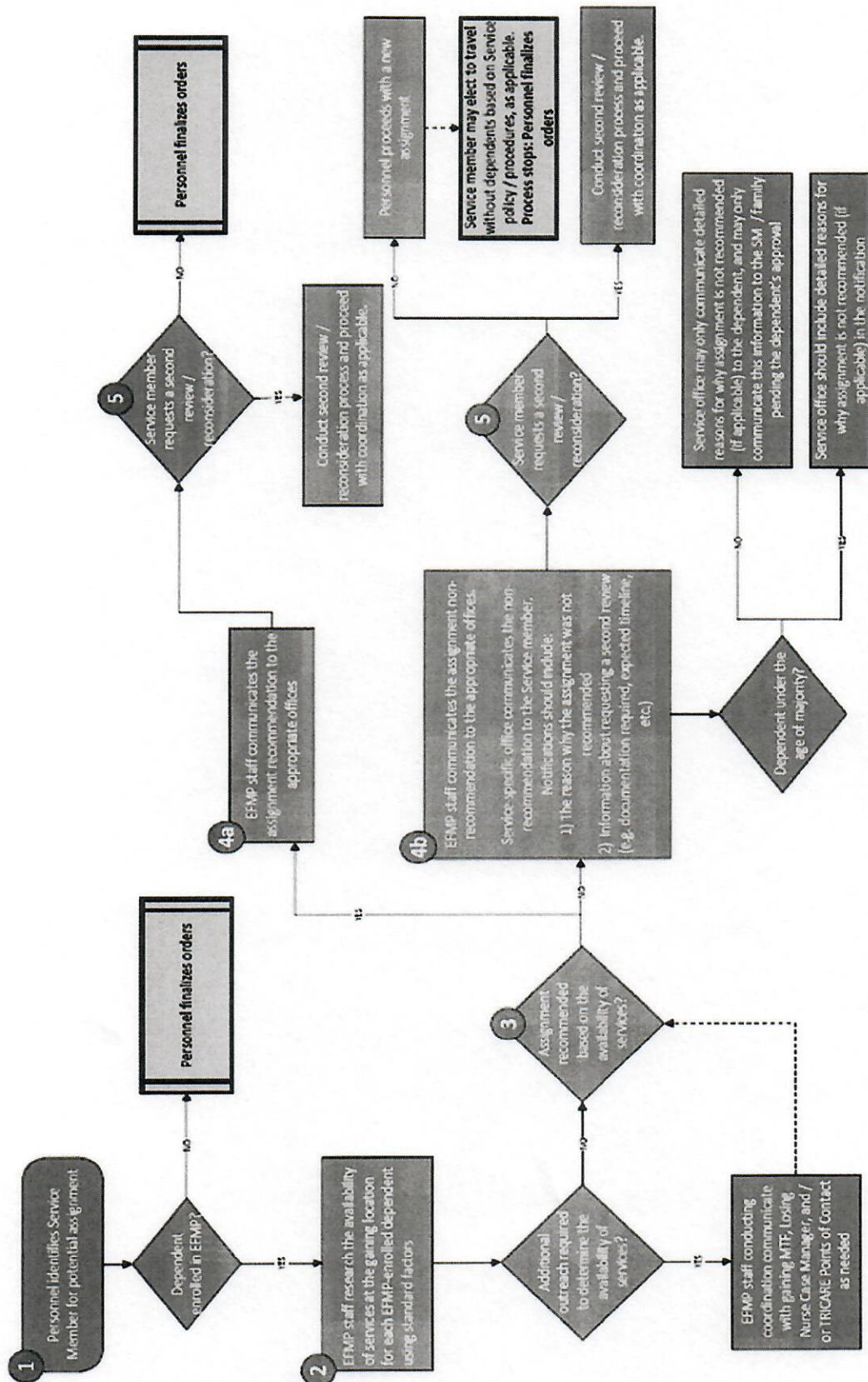


## Appendix B. Disenrollment Core Process Map





## Appendix C. Assignment Coordination Process Map



For step 4b, the U.S. Army conducts medical and educational screenings before notifying Service members of their assignment. The U.S. Army only communicates approved assignment instructions to Service members.