

1 HB583  
2 168414-3  
3 By Representative Johnson (R)  
4 RFD: Health  
5 First Read: 30-APR-15

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ENROLLED, An Act,

Relating to the Board of Home Medical Equipment; to amend Section 34-14C-5 of the Code of Alabama 1975, to exempt out-of-state providers of home of medical equipment and services provided to Alabama Medicaid recipients from the law licensing providers of home medical equipment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-14C-5 of the Code of Alabama 1975, is amended to read as follows:

"§34-14C-5.

"(a) The licensure requirements of this chapter do not apply to the following entities or practitioners:

"(1) Home health agencies certified by the State of Alabama to participate in the Medicare and Medicaid programs.

"(2) Hospital based home medical equipment services, whether or not the services are provided through a separate corporation or other business entity.

"(3) Health care practitioners legally eligible to order or prescribe home medical equipment, or who use home medical equipment to treat patients in locations other than the patient's residence, including, but not limited to, physicians, nurses, physical therapists, respiratory therapists, speech therapists, occupational therapists, optometrists, chiropractors, and podiatrists, except for those

1 practitioners, other than a licensed physician practicing  
2 medicine, who provide home medical equipment services in a  
3 patient's residence.

4 "Nothing in this chapter shall be construed as  
5 prohibiting or restricting a licensed physician who is  
6 practicing medicine, nor shall anything in this chapter be  
7 construed as requiring a physician practicing medicine, to be  
8 licensed as a home medical equipment services provider.

9 "(4) Manufacturers and wholesale distributors, when  
10 not selling directly to a patient.

11 "(5) Retail community pharmacies, including  
12 providers of home infusion therapy services.

13 "(6) Hospice programs, except programs which provide  
14 home medical equipment services, including delivery to a  
15 patient's residence.

16 "(7) Skilled nursing facilities, except facilities  
17 which provide home medical equipment services, including  
18 delivery to a patient's residence.

19 "(8) Governmental agencies, including fire districts  
20 which provide emergency medical services, and contractors to  
21 governmental agencies whose business deals only with the  
22 contracted agency.

23 "(9) Mail order companies, as defined by rule of the  
24 board.

1                   "(b) This chapter shall not apply to out-of-state  
2                   providers of home medical equipment and services provided in  
3                   accordance with state or federal law or regulation to Alabama  
4                   Medicaid recipients."

5                   Section 2. This act shall become effective  
6                   immediately following its passage and approval by the  
7                   Governor, or its otherwise becoming law.

