

1 SB426
2 168414-2
3 By Senator McClendon
4 RFD: Health and Human Services
5 First Read: 30-APR-15

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8 SYNOPSIS: Under existing law, the Board of Home
9 Medical Equipment licenses home medical equipment
10 services providers.

11 This bill would exempt from the law
12 out-of-state providers of home medical equipment
13 and services provided to Alabama Medicaid
14 recipients.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to the Board of Home Medical Equipment; to
21 amend Section 34-14C-5 of the Code of Alabama 1975, to exempt
22 out-of-state providers of home of medical equipment and
23 services provided to Alabama Medicaid recipients from the law
24 licensing providers of home medical equipment.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 34-14C-5 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§34-14C-5.

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

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

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

9 "(3) Health care practitioners legally eligible to
10 order or prescribe home medical equipment, or who use home
11 medical equipment to treat patients in locations other than
12 the patient's residence, including, but not limited to,
13 physicians, nurses, physical therapists, respiratory
14 therapists, speech therapists, occupational therapists,
15 optometrists, chiropractors, and podiatrists, except for those
16 practitioners, other than a licensed physician practicing
17 medicine, who provide home medical equipment services in a
18 patient's residence.

19 "Nothing in this chapter shall be construed as
20 prohibiting or restricting a licensed physician who is
21 practicing medicine, nor shall anything in this chapter be
22 construed as requiring a physician practicing medicine, to be
23 licensed as a home medical equipment services provider.

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

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

1 "(6) Hospice programs, except programs which provide
2 home medical equipment services, including delivery to a
3 patient's residence.

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

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

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

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

17 Section 2. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.