

1 HB225
2 156332-1
3 By Representative Johnson (R)
4 RFD: Boards, Agencies and Commissions
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, the Home Medical
9 Equipment Services Providers Board provides for the
10 licensing and regulation of home medical equipment
11 services providers.

12 This bill would provide further for the
13 licensing of out-of-state providers, would require
14 the prominent display of the license certificate at
15 each licensed location, would provide for the
16 expiration of all licenses on August 31, would
17 provide for a renewal period and lapsed license,
18 would delete the use of a provisional license for
19 applicants who do not comply with applicable
20 licensing standards, would increase the fee for
21 reinspection as established by the board from up to
22 \$150 to up to \$300; and would delete the
23 requirement that travel for inspections be as
24 allowed by the State Ethics Commission.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 34-14C-4, Code of Alabama 1975,
4 relating to the Home Medical Equipment Services Providers
5 Board; to provide further for the licensing of out-of-state
6 providers; to require prominent display of license
7 certificates at each licensed location; to provide for the
8 expiration of all licenses on August 31; to provide for a
9 renewal period and lapsed licenses; to delete the use of a
10 provisional license for applicants who do not comply with
11 applicable licensing standards; to increase the fee for
12 reinspection as established by the board from up to \$150 to up
13 to \$300; and to delete the requirement that travel for
14 inspections be as allowed by the State Ethics Commission.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 34-14C-4 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§34-14C-4.

19 "(a) Except as otherwise provided in this chapter, a
20 home medical equipment services provider shall be licensed
21 annually by the board before the provider may engage in the
22 provision of home medical equipment services. In Alabama, when
23 a single business entity provides home medical equipment
24 services from more than one location within the state, each
25 such location shall be ~~required to obtain a license on its own~~
26 ~~merit. Out-of-state home medical equipment services providers~~
27 ~~are not required to maintain a physical location in state;~~

1 ~~however, out-of-state applicants must provide a physical~~
2 ~~location meeting requirements of Section 473-X-4-.01,~~
3 ~~Subsection a-f, Alabama Administrative Code, or its~~
4 ~~successors, and may be subject to inspection by the board~~
5 licensed. A provider of home medical equipment services that
6 has a principal place of business outside this state shall
7 maintain at least one physical location within this state,
8 each of which shall be licensed.

9 " (b) A license applicant shall submit the
10 application for licensing or renewal to the board on a form
11 promulgated and required by the board. ~~In-state and~~
12 ~~out-of-state applicants~~ Applicants shall pay a reasonable
13 nonrefundable fee established by the board at the time the
14 application is submitted. The board ~~shall have the authority~~
15 ~~to~~ may set reasonable fees for ~~in-state and out-of-state~~
16 applicants to obtain a license. ~~The license~~ Upon satisfaction
17 of all applicable standards and requirements for licensure,
18 the board shall issue a license certificate permitting the
19 licensee to engage in providing home medical equipment
20 services ~~shall be effective upon written notification from the~~
21 ~~board that the applicant meets the standards and has complied~~
22 ~~with all requirements for licensing.~~ The certificate shall be
23 displayed prominently at each licensed location. No person,
24 partnership, corporation, or other legal entity that is not
25 otherwise exempted under this chapter shall provide home
26 medical equipment services without first obtaining a license
27 issued by the board.

1 "(c) Accreditation by the Joint Commission on
2 Accreditation of Healthcare Organizations, the Community
3 Health Accreditation Program, or other accrediting entities
4 shall not be substituted for compliance with this chapter.

5 "~~(d) Licenses Commencing on the effective date of~~
6 ~~the act amending this subsection, licenses issued pursuant to~~
7 ~~this chapter shall expire on the anniversary date of the~~
8 ~~original license unless renewed for an additional one-year~~
9 ~~period August 31 of the year following issuance. A license may~~
10 ~~be renewed within the 60-day period after August 31 upon~~
11 ~~payment of both the required fee and a late fee as established~~
12 ~~by rule of the board. Any license that is not renewed before~~
13 ~~the end of the 60-day grace period shall lapse. A lapsed~~
14 ~~license may not be renewed unless the holder reapplies and~~
15 ~~satisfies then current requirements for initial licensure.~~

16 "~~(e) Home medical equipment service providers~~
17 ~~License applicants~~ who, upon initial inspection, are found not
18 to comply with applicable licensing standards, ~~may be issued a~~
19 ~~provisional license valid for six months. The board shall~~
20 ~~advise the provider shall be notified by the board of the~~
21 ~~areas of noncompliance contemporaneous with the issuance of~~
22 ~~the provisional license, and shall reinspect the provider be~~
23 ~~reinspected~~ for compliance ~~between four and six months after~~
24 ~~the provisional license is issued upon application and payment~~
25 ~~of a reasonable reinspection fee established by the board of~~
26 ~~up to one three hundred fifty dollars~~ ~~(\$150)~~ (\$300).

1 "(f) Except as provided in this chapter, the board
2 may inspect all license applicants to determine compliance
3 with the requirements of this chapter prior to the issuance of
4 a license.

5 "(g) The board may conduct random inspections upon
6 application for renewal of a license, for cause, and as
7 necessary to ensure the integrity and effectiveness of the
8 licensing process.

9 "~~(h) Employees, contractors, or inspectors of the
10 board may conduct inspections of out-of-state facilities upon
11 application from out-of-state applicants for licensure and
12 renewal. Travel allowances, as allowed by the Alabama State
13 Ethics Commission, shall be provided by the out-of-state
14 applicant for all inspections conducted at the physical
15 out-of-state location.~~

16 "~~(i)~~(h) At any time upon the filing of a
17 substantive, relevant complaint of a consumer of services or
18 other qualified source as identified by the board, the board
19 may inspect the operations of the provider to determine
20 compliance with the requirements of this chapter.

21 "~~(j)~~(i) The board shall adopt and maintain standards
22 for the individuals charged with conducting the inspections
23 for the purpose of determining compliance with the
24 requirements of this chapter. Board employees or contractors
25 may be authorized to conduct inspections. ~~Out-of-state
26 inspections shall be limited to no more than two employees,
27 contractors, or inspectors of the board per visit.~~

1 "~~(k)~~(j) Upon notice of a failure to pass an
2 inspection and obtain a license, a provider shall have 30 days
3 to appeal the inspection results or be subject to penalties
4 pursuant to Section 34-14C-6. Upon appeal, a provider shall
5 have the right to an inspection review or a new inspection in
6 accordance with procedures promulgated by the board."

7 Section 2. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.