

1 SB129
2 156321-2
3 By Senator Bussman
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 14-JAN-14

1 SB129

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4 ENROLLED, An Act,

5 Relating to the Alabama Sunset Law; to continue the
6 existence and functioning of the Board of Home Medical
7 Equipment Service Providers until October 1, 2018, with
8 certain modifications; to amend Section 34-14C-4, Code of
9 Alabama 1975, so as to remove language requiring that the
10 State Ethics Commission approve travel for out-of-state
11 inspections.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Pursuant to the Alabama Sunset Law, the
14 sunset committee recommends the continuance of the Board of
15 Home Medical Equipment Service Providers until October 1,
16 2018, with the additional recommendations for statutory change
17 as set out in Section 3.

18 Section 2. The existence and functioning of the
19 Board of Home Medical Equipment Service Providers, created and
20 functioning pursuant to Sections 34-14C-1 to 34-14C-8,
21 inclusive, Code of Alabama 1975, is continued until October 1,
22 2018, and those code sections are expressly preserved.

23 Section 3. Section 34-14C-4 of the Code of Alabama
24 1975, is amended to read as follows:

25 "§34-14C-4.

1 "(a) Except as otherwise provided in this chapter, a
2 home medical equipment services provider shall be licensed
3 annually by the board before the provider may engage in the
4 provision of home medical equipment services. In Alabama, when
5 a single business entity provides home medical equipment
6 services from more than one location within the state, each
7 such location shall be required to obtain a license on its own
8 merit. Out-of-state home medical equipment services providers
9 are not required to maintain a physical location in state;
10 however, out-of-state applicants must provide a physical
11 location meeting requirements of Section 473-X-4-.01,
12 Subsection a-f, Alabama Administrative Code, or its
13 successors, and may be subject to inspection by the board.

14 "(b) A license applicant shall submit the
15 application for licensing or renewal to the board on a form
16 promulgated and required by the board. In-state and
17 out-of-state applicants shall pay a reasonable nonrefundable
18 fee established by the board at the time the application is
19 submitted. The board shall have the authority to set
20 reasonable fees for in-state and out-of-state applicants to
21 obtain a license. The license to engage in providing home
22 medical equipment services shall be effective upon written
23 notification from the board that the applicant meets the
24 standards and has complied with all requirements for
25 licensing.

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 issued pursuant to this chapter expire
6 on the anniversary date of the original license unless renewed
7 for an additional one-year period.

8 "(e) Home medical equipment service providers who,
9 upon initial inspection, are found not to comply with
10 applicable licensing standards, may be issued a provisional
11 license valid for six months. The board shall advise the
12 provider of the areas of noncompliance contemporaneous with
13 the issuance of the provisional license, and shall reinspect
14 the provider for compliance between four and six months after
15 the provisional license is issued upon application and payment
16 of a reasonable reinspection fee established by the board of
17 up to one hundred fifty dollars (\$150).

18 "(f) Except as provided in this chapter, the board
19 may inspect all license applicants to determine compliance
20 with the requirements of this chapter prior to the issuance of
21 a license.

22 "(g) The board may conduct random inspections upon
23 application for renewal of a license, for cause, and as
24 necessary to ensure the integrity and effectiveness of the
25 licensing process.

1 "(h) Employees, contractors, or inspectors of the
2 board may conduct inspections of out-of-state facilities upon
3 application from out-of-state applicants for licensure and
4 renewal. Travel allowances, ~~as allowed by the Alabama State~~
5 ~~Ethics Commission,~~ shall be provided by the out-of-state
6 applicant for all inspections conducted at the physical
7 out-of-state location.

8 "(i) At any time upon the filing of a substantive,
9 relevant complaint of a consumer of services or other
10 qualified source as identified by the board, the board may
11 inspect the operations of the provider to determine compliance
12 with the requirements of this chapter.

13 "(j) The board shall adopt and maintain standards
14 for the individuals charged with conducting the inspections
15 for the purpose of determining compliance with the
16 requirements of this chapter. Board employees or contractors
17 may be authorized to conduct inspections. Out-of-state
18 inspections shall be limited to no more than two employees,
19 contractors, or inspectors of the board per visit.

20 "(k) Upon notice of a failure to pass an inspection
21 and obtain a license, a provider shall have 30 days to appeal
22 the inspection results or be subject to penalties pursuant to
23 Section 34-14C-6. Upon appeal, a provider shall have the right
24 to an inspection review or a new inspection in accordance with
25 procedures promulgated by the board."

1 Section 4. The Legislature concurs in the
2 recommendations of the Sunset Committee as provided in
3 Sections 1, 2, and 3.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB129
Senate 11-FEB-14
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 20-FEB-14

By: Senator Bussman