

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

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8 SYNOPSIS: Under existing law, termination dates are  
9 established for enumerated state agencies. The  
10 agencies are periodically reviewed by the Alabama  
11 Sunset Committee. After the review process is  
12 completed, the committee prepares its  
13 recommendations for the agencies to the Legislature  
14 in the form of sunset bills which either continue,  
15 terminate, or continue with modification each  
16 agency reviewed.

17 This bill would provide for the continuance  
18 of the Board of Home Medical Equipment Service  
19 Providers, with the following change: To remove  
20 language requiring that the State Ethics Commission  
21 approve travel for out-of-state inspections.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
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1           Relating to the Alabama Sunset Law; to continue the  
2 existence and functioning of the Board of Home Medical  
3 Equipment Service Providers until October 1, 2018, with  
4 certain modifications; to amend Section 34-14C-4, Code of  
5 Alabama 1975, so as to remove language requiring that the  
6 State Ethics Commission approve travel for out-of-state  
7 inspections.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Pursuant to the Alabama Sunset Law, the  
10 sunset committee recommends the continuance of the Board of  
11 Home Medical Equipment Service Providers until October 1,  
12 2018, with the additional recommendations for statutory change  
13 as set out in Section 3.

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

19           Section 3. Section 34-14C-4 of the Code of Alabama  
20 1975, is amended to read as follows:

21           "§34-14C-4.

22           "(a) Except as otherwise provided in this chapter, a  
23 home medical equipment services provider shall be licensed  
24 annually by the board before the provider may engage in the  
25 provision of home medical equipment services. In Alabama, when  
26 a single business entity provides home medical equipment  
27 services from more than one location within the state, each

1 such location shall be required to obtain a license on its own  
2 merit. Out-of-state home medical equipment services providers  
3 are not required to maintain a physical location in state;  
4 however, out-of-state applicants must provide a physical  
5 location meeting requirements of Section 473-X-4-.01,  
6 Subsection a-f, Alabama Administrative Code, or its  
7 successors, and may be subject to inspection by the board.

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

20 "(c) Accreditation by the Joint Commission on  
21 Accreditation of Healthcare Organizations, the Community  
22 Health Accreditation Program, or other accrediting entities  
23 shall not be substituted for compliance with this chapter.

24 "(d) Licenses issued pursuant to this chapter expire  
25 on the anniversary date of the original license unless renewed  
26 for an additional one-year period.

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

11           "(f) Except as provided in this chapter, the board  
12 may inspect all license applicants to determine compliance  
13 with the requirements of this chapter prior to the issuance of  
14 a license.

15           "(g) The board may conduct random inspections upon  
16 application for renewal of a license, for cause, and as  
17 necessary to ensure the integrity and effectiveness of the  
18 licensing process.

19           "(h) Employees, contractors, or inspectors of the  
20 board may conduct inspections of out-of-state facilities upon  
21 application from out-of-state applicants for licensure and  
22 renewal. Travel allowances, ~~as allowed by the Alabama State~~  
23 ~~Ethics Commission,~~ shall be provided by the out-of-state  
24 applicant for all inspections conducted at the physical  
25 out-of-state location.

26           "(i) At any time upon the filing of a substantive,  
27 relevant complaint of a consumer of services or other

1 qualified source as identified by the board, the board may  
2 inspect the operations of the provider to determine compliance  
3 with the requirements of this chapter.

4 "(j) The board shall adopt and maintain standards  
5 for the individuals charged with conducting the inspections  
6 for the purpose of determining compliance with the  
7 requirements of this chapter. Board employees or contractors  
8 may be authorized to conduct inspections. Out-of-state  
9 inspections shall be limited to no more than two employees,  
10 contractors, or inspectors of the board per visit.

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

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

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