

1 SB306
2 174806-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 01-MAR-16

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8 SYNOPSIS: This bill would specify that for purposes of
9 municipal or county business licenses, a qualified
10 home health care or hospice agency or a qualified
11 provider of durable medical equipment, prosthetics,
12 orthotics, or health care supplies could not be
13 required to purchase a municipal or county business
14 license in a Class 7 or Class 8 municipality, as
15 defined, unless it maintains its headquarters or
16 any branch office in the municipality. In addition,
17 a health care employee or other agent or
18 representative of a qualified home health care or
19 hospice agency or a qualified provider of durable
20 medical equipment, prosthetics, orthotics, or
21 health care supplies would not be required to
22 purchase a business license from a Class 7 or Class
23 8 municipality or a county, or their agent,
24 including a private auditing firm, merely because
25 the person visits a patient whose residence or the
26 health care facility in which they are being
27 treated is located within that municipality or

1 county or furnishes equipment or health care
2 supplies within the municipality or county.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To specify that for purposes of municipal or county
9 business licenses, a qualified provider that is a qualified
10 home health care or hospice agency or a qualified provider of
11 durable medical equipment, prosthetics, orthotics, or health
12 care supplies could not be required to purchase a municipal or
13 county business license in a Class 7 or Class 8 municipality,
14 as defined, unless the provider maintains its headquarters or
15 any branch office in the municipality or county; to further
16 provide that a qualified provider or a health care employee or
17 other agent or representative of a qualified provider could
18 not be required to purchase a business license from a Class 7
19 or 8 Class municipality, as defined, a county, or their agent,
20 including a private auditing firm, merely because the person
21 visits a patient whose residence or the health care facility
22 in which they are being treated is located within that
23 municipality or county or because equipment or health care
24 supplies are furnished within the municipality or county; to
25 provide that a qualified provider that provides a service or
26 product reimbursed by Medicare, Medicaid, or a health benefit
27 plan could not be required to purchase in a Class 7 or Class 8

1 municipality, as defined, or a county or certain county or
2 municipal licenses except where its headquarters or a branch
3 office is located; and for this purpose to add Section
4 11-51-90.4 to the Code of Alabama 1975.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 11-51-90.4 is added to the Code
7 of Alabama 1975, to read as follows:

8 §11-51-90.4

9 (a) As used in this section, the following words
10 have the following meanings:

11 (1) CLASS 7 OR CLASS 8 MUNICIPALITY. A Class 7 or
12 Class 8 municipality as defined in Section 11-40-12, Code of
13 Alabama 1975, but excludes any Class 7 or Class 8 municipality
14 pursuant to Section 11-40-12, which has 12,000 or more
15 inhabitants according to the most recent federal decennial
16 census.

17 (2) QUALIFIED PROVIDER. A qualified home health care
18 or hospice agency or a qualified provider of durable medical
19 equipment, prosthetics, orthotics, or health care supplies
20 which is a corporation, limited liability company, or other
21 business or nonprofit entity that provides either home health
22 care or hospice services or durable medical equipment,
23 prosthetics, orthotics, or health care supplies in this state
24 and is licensed by the Alabama Board of Home Medical Equipment
25 or by the Alabama State Board of Prosthetists and Orthotists,
26 or holds a certificate of need issued by the State Health
27 Planning and Development Agency, or its successor, or is

1 exempt by law or administrative rule or ruling from the
2 requirement to obtain a certificate of need.

3 (b) Notwithstanding anything in this chapter to the
4 contrary, a qualified provider may not be required to purchase
5 a municipal or county business license from a Class 7 or Class
6 8 municipality or a county, or their agents, unless the
7 provider maintains its headquarters office or a branch office
8 in the municipality or the county.

9 (c) Notwithstanding anything in this chapter to the
10 contrary, a qualified provider or health care employee or
11 other agent or representative of a qualified provider shall
12 not be required to purchase a municipal or county business or
13 privilege license or otherwise be liable for a municipal or
14 county business or privilege license tax or similar fee,
15 including any delivery license or fee, from a Class 7 or Class
16 8 municipality on account of one or more service visits to a
17 patient of the agency at his or her residence or one or more
18 visits to a patient at a health care facility or other
19 facility where the patient resides, whether temporarily or
20 indefinitely, or because durable medical equipment or
21 prosthetics or orthotics or health care supplies are delivered
22 or furnished to a patient.

23 (d) A qualified provider as defined in subsection
24 (a) shall not be required to purchase any county or municipal
25 license or pay any county or municipal license fee from or to
26 any county or any Class 7 or Class 8 municipality, except
27 where it maintains its headquarters office or where it

1 maintains a branch office, for the delivery of any service or
2 product which is reimbursed in whole or in part by Medicare,
3 Medicaid, or other third party payer including, but not
4 limited to, a health benefit plan, health insurance, workers'
5 compensation, or similar third party payer.

6 Section 2. All laws or parts of laws which conflict
7 with this act are repealed.

8 Section 3. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.