



HME Board Newsline

Annual Action Report

Since the last publication of the *HME Newsline*, the Board has accomplished many goals. A few of them are listed below:

- Launched on-line renewals;
- Implemented Disaster Recovery Plan;
- Hired new Board staff including Investigator and Inspector;
- New Inspection Form created and posted on web site;
- Web site redesigned;
- Alabama Municipalities notified of requirement for HME Licensure through the Secretary of States' Web Site;
- Appropriate authorities notified of disciplinary actions and expired licenses.

Disciplinary Actions 2006

Healthcare Solutions:

Date: July 26, 2006

Violation: Section 34-14C-4(a), Code of Alabama, 1975 (as amended).

Disposition: The Board entered an Order assessing a fine of \$60,000, in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended)

Alexander Orthotics:

Date: August 22, 2006

Violation: Section 34-14C-4(a), Code of Alabama, 1975 (as amended).

Disposition: The Board entered an Order assessing a fine of \$41,650, in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended)

IMS Home Medical Equipment:

Date: August 22, 2006

Violation: Section 34-14C-4(a), Code of Alabama, 1975 (as amended).

Disposition: The Board entered a Consent Order assessing a fine of \$2,500 in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended)

EZ Mobility, Inc. and Randy Gant

Date: August 22, 2006

Violation: Section 34-14C-4(a), Code of Alabama, 1975 (as amended).

Disposition: The Board entered a Consent Order assessing a fine of \$15,000 in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended), and imposing a one-year probationary period.



Section 34-14C-6 (a) ("Violations; penalties."), Code of Alabama, 1975 states, "An entity or person found providing home medical equipment services without a license as required by this act shall be subject to an administrative fine of up to one thousand dollars (\$1,000) per day that services were provided without a license. Funds collected pursuant to this act shall be allocated to the administration of the program."

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Elevator, Prosthetists and Orthotists, and Respiratory Therapy Licenses, Oh my!

Most of you are very aware of the requirements of being licensed by your city or county, the State of Alabama, and the Pharmacy Board if supplying Oxygen. However, there are many additional licenses for Home Medical Equipment Services Providers who may offer specialized services. These specific requirements are as follows:

- ◆ An Elevator Permit issued by the Department of Labor is required for home medical equipment companies who provide chair and platform lifts installed or proposed to be installed in commercial buildings and homes. Installation of vehicle lifts is considered mobile equipment and is not regulated by Alabama Law. For more detailed information you can visit the Labor Department's web site and review this statute at www.alabor.state.al.us.
- ◆ A license issued by the Alabama Board of Prosthetists and Orthotists is required for home medical equipment companies offering custom fabricated items. The Home Medical Equipment Services Providers license covers items that are off the shelf. However, many of you will need to be dually licensed. For more information on the Prosthetists and Orthotists Board, please refer to www.apob.alabama.gov
- ◆ The Alabama State Board of Respiratory Therapy statute exempts home medical equipment companies who are only delivering and setting up equipment. However, if a home medical equipment company conducts respiratory therapy patient assessments or provides any of the items under the Board's Scope of Practice, a license in Respiratory Therapy would be required. The Scope of Practice is located on the Respiratory Therapy Boards' web site under the Rules and Regulations Chapter on Scope of Practice at www.asbrt.alabama.gov.

The Alabama Board of Home Medical Equipment will be checking for these licenses for new applications and all site inspections. A new site inspection form has been developed and is now posted on the board web site listing all licenses that are applicable to Home Medical Equipment Licensure.

ABHMESP Welcomes New Staff Member

Do you know who your talking to when you call the Board Office? May we introduce Ms. Veronica Lassic who joined the ABHMESP team in October as the Application Specialist. Ms. Lassic comes to the Alabama Board of Home Medical Equipment Services Providers from New York where she worked for Hewlett Packard for fifteen years and Re/Max Realty for two years. She has substantial experience and education in satisfying customers which she now utilizes in helping licensees and consumers of home medical equipment. Welcome aboard Ms. Lassic!



What has the Board Web Site done for you lately?

It may sound surprising, but Alabama is one of the leaders nation-wide in web site development for state government. It is a priority for the Alabama Board of Home Medical Equipment to be no different. The web site located at www.homemed.state.al.us has a new look, new services, and is your best resource for the latest board news. However, there is a catch. You have to utilize it. What has the Board Web Site done for you lately?

- ◆ Provided an Interactive Search Roster. No more scrolling through alphabetically to find a licensee. Now you can search by company name, license number, or area.
- ◆ On-line Renewals. Forget the now antiquated method of manual renewals. You can prevent USPS delays or lost mail by simply going to the web site where you can renew by credit card. A printable receipt is available for on-line renewals instantaneously.
- ◆ New Forms. The amended Site Inspection Form is available to help prepare applicants for site inspections. This year a Forms Committee has been established that will revise outdated forms and most importantly provide for on-line applications.
- ◆ Disciplinary Actions. Posted after cases are concluded and become public information.
- ◆ View Listing of Expired Licenses. These have been issued Cease & Desist Letters.
- ◆ Board Meeting Minutes. All Minutes since 2005. We received a disappointing 34% on-line renewal rate this year. Our goal is to reach 100%. The services are available and will continually be improved, but it takes a partnership to achieve our goals.

Proposed Legislation 2007

The Board has drafted housekeeping legislation to be introduced in the 2007 Regular Legislative Session. Language in the proposed bill comes from suggestions from the Examiners of Public Accounts and Legal Counsel of the Board. After completing several audits and disciplinary actions, the Board has pinpointed weaknesses in the original legislation. Many powers that are common to most regulatory boards were not written in the enabling statute and the proposed legislation will correct this oversight. The proposed legislation consists of the following amendments:

- ◆ Change the official name of the Board from “The Board of Home Medical Equipment Services Providers” to “The Board of Home Medical Equipment”;
- ◆ Board Appointments to end on the anniversary date of the original appointment with Board Members holding office until successor is appointed by the Governor;
- ◆ A Board Member may be removed at the request of the board for failing to attend three consecutive, properly noticed meetings;
- ◆ The Board may establish and charge reasonable fees relating to administrative costs for copies, mailing and filing services or other fees necessary to offset licensing and processing costs;
- ◆ Licenses are required to be renewed by August 31 of each year but may be renewed late up to 60 days after expiration date with a late fee;
- ◆ The board may deny, revoke or suspend a license on any of the following grounds:
 1. Conviction in a court of competent jurisdiction in this or any other state of a criminal offense involving moral turpitude or a felony:

2. Violation of any ethical standard promulgated by the board;
3. Fraud or misrepresentation in obtaining a license;
4. Other just and sufficient cause including but not limited to:
 - A. Violation of any rule, regulation or standard set forth by the board;
 - B. Making misleading, deceptive, false or fraudulent representations to clients;
 - C. Engaging in business practices that are harmful or detrimental to the public;
 - D. Falsifying records;
 - E. Failure to cooperate with an inspection or with an investigation conducted by the board.
 - F. Failure to report a change of name, address, control, ownership or person in charge within 30 days of the date such change occurred.

- ◆ The board may resolve by agreement purported violation of this act or the board’s rules, regulations or standards with or without the filing of a formal administrative notice and opportunity for hearing.
- ◆ Any such person or entity violating the provisions of this chapter shall, upon conviction, be guilty of a Class A misdemeanor, subject to a fine or imprisonment, or both;
- ◆ The Board may seek an injunction against any person or entity in violation and the board may demand and recover a civil penalty of \$50 per day for each violation, reasonable attorney fees and court costs.

The true meat of this bill will be in providing a criminal penalty and injunctive relief to the Board. These are common powers given to Boards and we have certainly been handicapped without this standard regulatory ability. Please check the board web site for legislative news as it becomes available.

ABHMESP

Alabama Board of Home Medical Equipment Services Providers

Board Members

Mike Benefield, Chair
HME Services Industry Member

Diane Garrett Williamson, Vice Chair
Acute-Care Hospital Member

John Beard
Acute-Care Hospital Member

Lewis Fuller
HME Services Industry Member

Leigh Ann Matthews
HME Services Industry Member

Roger Schofield
HME Services Industry Member

Diane Starnes
HME Services Industry Member

Notes: Board Member vacancies posted at www.sos.alabama.gov

Staff

Paula Scout McCaleb
Executive Director

Veronica Lassic
Application Specialist

ABHMESP Newslines are an official publication of the Alabama Board of Home Medical Equipment Services Providers. This publication is intended for a wide audience to alert licensees to matters of possible procedural, legal, legislative, and regulatory interest. It should not be relied upon, nor is it intended to provide legal, insurance, or accounting advice. Licensees should consult their lawyers, insurance agents, and accountants before taking any action in response to this newsletter, as the opinions expressed herein may be completely altered by the licensees’ actual facts.



Alabama Board of Home
Medical Equipment
Services Providers

7550 Halcyon Summit Drive
Suite 125
Post Office Box 240636
Montgomery, AL 36124-0636

Phone: 334.215.3474

Fax: 334.215.3457

Email: paulascout@aol.com

www.homemed.state.al.us

HME Board *Newsline*

Mailing Address Line 1
Mailing Address Line 2
Mailing Address Line 3
Mailing Address Line 4
Mailing Address Line 5

Calendar

April 24, 2007

9:00 a.m.

Board Office

July 24, 2007

9:00 a.m.

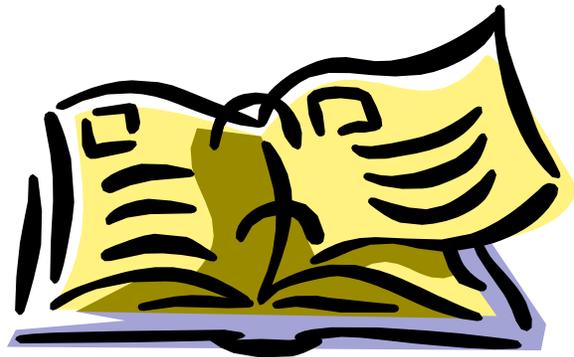
Board Office

October 23, 2007

9:00 a.m.

Board Office

Additional meetings may be called by the Board Chair, and scheduled meetings may change but will always be advertised in advance on the Board Web Site located at www.homemed.state.al.us and the Secretary of State's Web Site at www.sos.alabama.gov in compliance with the Alabama Open Meetings Act.



Mark your Calendar