



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:

- Consumer Ad Campaign Launched;
- Hired new Board staff including Licensing Agent, Investigator and Inspector;
- New Site Inspection Form created and posted on web site;
- Separate application for Change of Address developed and posted on web site;
- Separate application for Change of Person in Charge developed and posted on web site;
- Rules and Regulations amended to include a Chapter on the Renewal Process.

Disciplinary Actions

Fred's Stores of Tennessee, Inc.:

Date: May 2, 2007

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

Disposition: The Board entered a Consent Order assessing a fine of \$2,000, in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended)

Nationwide Medical Equipment, Inc.:

Date: May 2, 2007

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)

Caring Medical Equipment, Inc.:

Date: May 2, 2007

Violation: Section 34-14C-4(a), Code

of Alabama, 1975 (as amended).

Disposition: The Board entered a Consent Order assessing a fine of \$1,000 in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended)

Mid-South Home Care Services:

Date: May 2, 2007

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

Disposition: The Board entered a Consent Order assessing a fine of \$2,000 in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended).

Companion Health Services:

Date: May 2, 2007

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

Disposition: The Board entered a Consent Order assessing a fine of \$10,000 in accordance with Section 34-14-C(a), Code of Alabama, 1975 (as amended).



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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New Chapter added to the Rules and Regulations: CHAPTER 473-X-8-.01 Renewal of License.

Please read and be familiar with the following new rule pertaining to license renewals. This rule became effective on May 6, 2008.

- 1) The Home Medical Equipment Service Provider license shall be valid for one (1) year, expiring on August 31st of each year; however, the initial licensure period for any given license may be prorated so that its expiration date coincides with the August 31st renewal date for all valid licenses. The license fee will not be prorated for abbreviated licenses issued.
- 2) Failure to renew within sixty (60) days after the expiration date of the current license will result in an expired license. Home Medical Equipment Services Providers will not be permitted to provide home medical equipment services with an expired license. Licensees who operate under expired licenses shall be subject to the penalties established under Section 34-14-C6(a), Code of Alabama, 1975.
- 3) One (1) renewal notice will be provided by U.S Mail to the licensee's last address of record sixty (60) days prior to the renewal date. Licensees are responsible to maintain a current mailing address with the Board. One final renewal notice will be placed by an automated calling service on August 21st to licensees who have not renewed by this date.
- 4) To be eligible for renewal, an applicant shall:
 - (a) Hold a valid, active Alabama license; and
 - (b) Timely submit a completed and signed renewal application and required fee(s) to the Board.
- 5) Renewals will be submitted online via the Board's web site. Licensees may request manual renewal by making a written request to the Board office.
- 6) Failure to receive the renewal application or notice of renewal shall not relieve the licensee of the responsibility to renew the license by the expiration date.
- 7) Once a license has expired, a cease and desist letter will be issued by certified mail to the last address of record and a new application and inspection will be required for licensure.
- 8) The Board may notify third party payors, regulatory boards and agencies, and governmental agencies responsible for reimbursement to home medical equipment services providers such as Medicaid and Medicare, of expired licenses no earlier than November 1st of each licensing year.

Yes, It's License Renewal Time Again.

Licenses expire on August 31, 2008. You may renew your license on-line at www.homemed.state.al.us beginning on July 1st. Just follow the simple on-screen instructions that will guide you through submitting your renewal. All you will need to get started is your license number and your tax i.d. number.

This year we are offering a new service. You will be able to print your renewed certificate immediately after renewing on-line.

Thank you to all who completed your on-line renewal survey last year. The response to the survey was overwhelmingly positive. We have worked to implement many of your suggestions to make the on-line renewal process better suit your specific needs. The surveys also indicated a desire for more on-line options. Therefore, we are currently developing more on-line programs for your convenience.

Board Launches Consumer Ad Campaign

The Board launched a consumer ad campaign this year by placing newspaper ads in 117 Newspapers in Alabama for three months. The text of this ad is below:

Attn: Alabama Consumers of Home Medical Equipment

The Alabama Board of Home Medical Equipment Services Providers' Mission is to protect consumers of home medical equipment (HME). **Be an informed and responsible consumer by making sure that your provider of home medical equipment is licensed as required by Alabama Law.** *(the following exemptions apply under Ala. Code: home health agencies, hospital based HME, health care practitioners eligible to prescribe HME, manufacturers and wholesale distributors not selling to the public, retail community pharmacies, hospice programs, government agencies, and mail order companies).*

To find licensed providers, a consumer complaint form, and published disciplinary actions please go the Board web site located at www.homemed.state.al.us.

**Alabama Board of Home Medical Equipment
Services Providers
P.O. Box 240636
Montgomery, Alabama 36124
Phone: 334.215.3474 FAX: 334.215.3457
Web Site: www.homemed.state.al.us**

Proposed Legislation 2008

The Board's housekeeping legislation was introduced again in the 2008 Regular Legislative Session. This was the third year of working to get this much needed legislation passed. Although the Board encountered no opposition to the Bill, it got lost again in the political process that has little to do with our Board. We will introduce it again in the 2009 Legislative Session and ask for your support. You may use this newsletter article which defines everything in the Bill when speaking with your Senator or Representative. 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 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.

ABHMESP

Alabama Board of Home Medical Equipment Services Providers

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HME Services Industry Member

Diane Garrett Williamson, Vice Chair
Acute-Care Hospital Member

John Beard
Home Care Member

Lewis Fuller
HME Services Industry Member

Leigh Ann Matthews
HME Services Industry Member

Roger Schofield
HME Services Industry Member

Mitchell Shirah
Physician Member

Graham L. Sisson, Jr.
Consumer Member

Diane Starnes
HME Services Industry Member

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Paula Scout McCaleb
Executive Director

Jessica Burdette
Licensing Agent

Brandy VanOrden
Accounting

ABHMESP *Newsline* is 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.



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HME Board *Newsline*

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

Calendar

July 22, 2008

10:00 a.m.

Board Office

October 21, 2008

10:00 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