

HME Board Adopts Emergency Rule Governing In-State Location Requirements

Effective April 23, 2014, the Alabama Board of Home Medical Equipment adopted the attached Emergency Rule pertaining to the new in-state physical location requirement in Act 2014-172 for all home medical equipment services providers in Alabama not otherwise exempted from state licensure. Under this rule, currently licensed out of state providers will have until the expiration of their licenses on August 31, 2014, to demonstrate compliance with the new location requirement, which should preclude any interruption in the provision of needed home medical equipment services to Alabama citizens. The rule also enumerates the steps currently licensed out of state providers should take to maintain their licenses when Act 2014-172 becomes effective on June 1, 2014.

If you have any questions regarding the in-state location requirement or the Emergency Rule, please contact the Board office at 334-215-3457.

473-X-3-.02ER In-State Location Requirements.

- (1) On March 11, 2014, Governor Bentley signed Alabama Act 2014-172 (the "Act") into law, which amended ALA. CODE § 34-14C-4(a) (1975 as amended) to require each provider of home medical equipment services with a principal place of business outside the state of Alabama, not otherwise exempted from licensure pursuant to ALA. CODE § 34-14C-5, to maintain at least one physical location within the state, which must be licensed by the Board of Home Medical Equipment. Previous to the passage of the Act, out of state home medical equipment services providers were not required to maintain a physical location within the state, but were only required to provide a physical location meeting the requirements of ALA. ADMIN. CODE r. 473-X-4-.01, and be subject to inspection by the Board. By its terms, the Act becomes effective on June 1, 2014.
- (2) Alabama consumers obtain home medical equipment from 219 out of state providers currently licensed by this Board. Without implementation of a procedure to allow out of state providers to demonstrate compliance with the Act in a timely manner and to quickly and efficiently issue licenses to current out of state home medical equipment services providers that choose to remain licensed under the Act, there exists a risk that needed services to Alabama consumers will be interrupted. This represents an immediate threat to the health, safety and welfare of Alabama consumers and their families. Accordingly, currently licensed out of state home medical equipment services providers will be required to do the following in order to maintain licensure by the Board:
 - (a) Establish an in-state location that meets the requirements of ALA. ADMIN. CODE r. 473-X-4-.01, including the Medicare DMEPOS Supplier Standards, with the exception of accreditation standards.
 - (b) Submit an Application for Change of Address once they have established a physical location in Alabama, together with a two hundred and seventy-five dollar (\$275) site inspection fee.
 - (c) Pass a site inspection of the new location, to be conducted by the Board.
 - (d) If applicable, submit an Application for Change of Person In Charge for that location.
- (3) No new licenses will be issued to out of state providers who do not have a physical location within the state after May 31, 2014.
- (4) Out of state providers with a current license from the Board will have until the expiration of their licenses on August 31, 2014, to demonstrate compliance with the new location requirement.
- (5) Any licenses for in-state locations issued pursuant to this rule prior to August 31, 2014, will expire on August 31, 2014, and must be renewed in accordance with the renewal provisions of ALA. ADMIN. CODE r. 473-X-8-.01 in order to remain valid.

Author: Alabama Board of Home Medical Equipment
Statutory Authority: §§ 34-14C-4, Code of Alabama (1975)
History: Effective April 23, 2014 (Emergency Rule)