

ALABAMA HOME MEDICAL EQUIPMENT BOARD
ADMINISTRATIVE CODECHAPTER 473-X-3
ADMINISTRATIVE PROCEDURE

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473-X-3-.01 Administrative Procedure.

(1) Any person may be heard by the Board in person or through an attorney, as long as they file a written request with the Board office. The Board will schedule the appearance at the next regular scheduled meeting, provided the request is received at least fourteen (14) days prior to such meeting; otherwise, the appearance will be scheduled for the second meeting following receipt of the request.

(2) Board meetings shall be conducted following a written agenda, which is provided to each member at least ten (10) days prior to each meeting. The Alabama Open Meetings Act and/or Robert's Rules of Order, short form, shall be used as the parliamentary authority for all meetings of the Board.

(3) Upon receipt of an application and the appropriate fees therefor, the fee shall be deposited into the Home Medical Equipment Fund in the State Treasury pursuant to Code of Ala. 1975, Section 34-14C-7.

(4) If the application is complete and sufficiently meets the standards set by the Board, the Board office shall schedule an inspection, as required.

(5) If the application is not complete, the Board office shall notify the applicant, in writing, of all deficiencies in the application. If the applicant does not return a properly completed application within ninety (90) days, of the notification of deficiency, or, if a completed application cannot be submitted within ninety (90) days, the fee is forfeited and the applicant may reapply.

(6) No one may operate as a Home Medical Equipment Services Provider without a valid license, including during the time a license application is pending.

(7) The licensure application, the form of which is indexed in the appendix to this section, shall include at a minimum, the following information:

(a) Name, physical location, mailing address, and telephone number of the business, including all trade or business names.

1. Name, physical location, mailing address, telephone number and Person in Charge for any other corporate branch or location that may provide home medical equipment and/or services to Alabama customers pursuant to Rule 473-X-3-.02.

(b) The name of the manager or person in charge of the day-to-day business operations at the physical location.

(c) The names and home addresses of officers or other persons in positions of control.

(d) The hours and days of operation of the business.

(e) A list of categories of equipment and services provided to the public.

(f) Certification of insurance. Must have comprehensive liability insurance in the amount of at least \$300,000 that covers both the supplier's place of business, and all consumer and employees of the supplier. If the provider manufactures its own items, this insurance must also cover product liability and complete operations.

(g) The Federal Employee identification number assigned to the business. For a sole proprietor this may be the social security number of the owner.

(h) Disclosure of ownership, which includes: the name of a person, if a person; the full name of a sole proprietor and the name of the business entity, if a sole proprietorship; the name of each partner and the name of the partnership, if a partnership; the name and title of each corporate officer and director, a list of shareholders, the corporate name and the state of incorporation and the name of any parent company, if a corporation; or the full name and title of each member and each manager of a limited liability company, the name of the state where organized and the name of the parent company.

(i) Proof of United States citizenship or of legal presence in the United States, as required by Section 31-13-7, Code of Ala. 1975.

(j) Certification, signed by a person with the authority to bind the applicant and notarized under oath, indicating that the applicant complies with the rules and regulations of the

Board, and has truthfully and completely disclosed all ownership and control of the applicant, and that all information submitted on or with the application is true and complete. The certification shall include an acknowledgement that the ownership of the licensed instate location, as defined in subparagraph (h) above, shall be responsible to the Board for any home medical equipment and/or services provided to an Alabama customer for any corporate branch or location other than the licensed instate location, as provided under Rule 473-X-3-.02(2).

(k) No question should be left blank. If an item does not apply, then the applicant should mark the question in a fashion adequate to allow the Board to determine that the applicant did not overlook it.

(8) Submit complete and accurate information on the HME permit application. Any changes to this information must be reported to the Alabama Board of Home Medical Equipment, or its agents, within 30 days of the change.

(a) A change only in the physical address of a licensee requires submission of the Application for a Change of Address and the required fee within thirty (30) days of such change, and a site inspection of the new facility.

(b) A change only in the Person in Charge of a licensee requires submission of the Application for Change of Person in Charge within thirty (30) days of such change.

(c) A change in the ownership or control of a licensee requires notification of the change in ownership within (30) days of such change.

1. The purchase of only the assets of a business (an "asset purchase") requires the buyer to operate the business under a new tax identification number (TIN). A change in the TIN requires the new owner to obtain a new Medicare supplier number and submit a new application for licensure to the Board. The new owners must successfully complete the reapplication process before a new license can be issued.

2. The purchase of all the assets and liabilities of a business (a "stock purchase") permits the buyer to retain and operate the business under the existing TIN. The new owner must submit a letter notifying the Board of the change in ownership or control within thirty (30) days of such change.

(d) If more than one change occurs simultaneously in the information reflected on the licensee's application, including but not limited to, the physical address, equipment provided,

FEIN or SSN, or if disciplinary actions against the licensee have ensued before this Board or in any other licensing state or jurisdiction, the licensee must complete and submit a new application for licensure reflecting all such changes within thirty (30) days of such change and successfully complete the reapplication process before a new license can be issued.

(9) All licenses expire on August 31st of each year. If not renewed within sixty (60) days of the expiration date, the license is considered lapsed, and a new application and inspection will be required. The Board may notify third party payors, related regulatory boards and agencies, and governmental agencies responsible for reimbursement to home medical equipment services providers, such as Medicaid and Medicare, of lapsed licenses no earlier than November 1st of each licensing year.

(10) Certain entities are exempt from licensure pursuant to Section 34-14C-5, Code of Ala. 1975.

(11) Ensure the personnel are trained to set up the equipment. Instruct the patient and/or caregiver in the safe operation and client maintenance of the equipment.

Author: The Alabama Board of Home Medical Equipment Services Providers

Statutory Authority: Code of Ala. 1975, §34-14C1 thru §34-14C8, Act #2000-739, HB 419 of the 2000 Regular Session.

History: New Rule: Filed July 20, 2001; effective August 24, 2001. **Amended:** Filed July 10, 2006; effective August 14, 2006.

Amended: Filed February 27, 2009; effective April 3, 2009.

Amended: Filed July 9, 2014; effective August 13, 2014. **Amended:** Filed November 19, 2014; effective December 24, 2014. **Amended:** Filed August 26, 2016; effective October 10, 2016.

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

(1) On March 11, 2014, Governor Bentley signed Alabama Act 2014-172 (the "Act") into law, which amended Code of Ala. 1975, §34-14C-4(a) (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 Code of Ala. 1975, §34-14C-5, to maintain at least one physical location within the state, each of which must be licensed by the Board of Home Medical Equipment. By its terms, the Act became effective on June 1, 2014. 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 Rule 473-X-4-.01, and be subject to inspection by the Board.

A provider of home medical equipment that has a principal place of business outside this state and has established a licensed, instate location may provide home medical equipment and services to its Alabama customers through any corporate branch or location, including an out of state location that is not otherwise eligible for an exemption from licensure pursuant to Code of Ala. 1975, §34-14C-5, as permitted under the CMS DMEPOS Supplier Standards and applicable regulations. For purposes of this rule, a corporate branch or location does not include a corporate subsidiary or affiliate that would itself require a license from this Board; the branch or location should be a provider of home medical equipment services that is duly licensed in accordance with applicable law in the state in which it is located. The ownership of the provider's licensed instate location, as defined in Rule 473-X-3-.01(7)(h), will be responsible to the Board for any equipment or services provided to the customer by any other corporate branch or location

Author: The Alabama Board of Home Medical Equipment

Statutory Authority: Code of Ala. 1975, §34-14C1 thru §34-14C8, Act #2000-739, HB 419 of the 2000 Regular Session.

History: New Rule: Filed November 19, 2014; effective December 24, 2014.