

ALABAMA BOARD OF HOME MEDICAL EQUIPMENT

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MINUTES

Board Meeting

December 16, 2015

The Alabama Board of Home Medical Equipment met on Wednesday, December 16, 2015 at the Board's office located at 2777 Zelda Road in Montgomery for the purpose of conducting Board business. Board members in attendance were Ms. Lisa Wells (Chair), Mr. Wayne Lewis (Vice Chair), Mr. Jonathan Temple, Ms. Melissa Mann, Ms. Rhonda "Chris" Tidwell and Mr. Kent Crenshaw. Board members not present were Mr. Bruce Ovitt, Mr. Vernon Johnson, Ms. Missy Fields and Mr. John Beard. Others present were Mr. Keith Warren (Executive Director), Mr. Cameron McEwen (General Counsel), Mr. Bill Garrett (Assistant Attorney General), Ms. Hope Paulene (Administrator), Mr. Mike James (investigator/inspector) and Ms. Renee' Reames (Executive Secretary to Mr. Warren and serving as recording secretary).

The meeting was called to order at 10:00 a.m. by Ms. Wells and a quorum was present. Public notice of this scheduled meeting was advertised on the Board's web site at www.homemed.alabama.gov and published on the Secretary of State's web site at www.sos.alabama.gov, in accordance with the requirements of the Alabama Open Meetings Act.

The minutes from the September 23, Board meeting were presented to the Board for their review. A copy of the minutes was provided to the Board members prior to the meeting. Mr. Lewis made a motion to accept the September minutes with the word "commended" corrected to "commented" on page 2, in the fourth paragraph. The motion was seconded by Mr. Temple and unanimously approved by the Board, with none voting "nay" (minutes available for viewing in the Board's Official Book of Minutes and on the Board's website).

Ms. Wells reported that the Board's recommended changes to the proposed Medicaid Rules concerning DME services were submitted to Ms. Newman, Director of the Medicaid Pharmacy Division, and Medicaid has accepted the recommendations.

Mr. Warren presented the Executive Director Report to include a detailed financial report of deposits and expenditures as of September 30, 2015. He reported that the State is operating with a new financial accounting system and there had been some delays in payment of vouchers. Mr. Lewis made a motion to accept the financial report as presented. The motion was seconded by Mr. Temple and unanimously approved by the Board, with none voting "nay."

Mr. Warren reported on the number of complaints that had been received and processed to-date, along with the number of inspections that had been conducted in September and November.

Mr. Warren reported that he would be on medical leave at the end of December into January.

Mr. McEwen reviewed recommended changes to the Inspection Form and he explained why some items on the form that should be omitted. The Board discussed creating a Rules Committee to propose Rule changes concerning after hours contact information of customers of HME licenses, equipment stickers, etc., so these items could be added to the Inspection Form when the Rules became effective. Mr. Temple made the motion to accept the recommendations made by the Board's Legal Counsel as modifications to the Inspection Form. The motion was seconded by Ms. Mann and approved by the majority of the Board, with Mr. Lewis abstaining from the vote.

Ms. Wells appointed Mr. Lewis, Mr. Temple, Mr. Crenshaw (chair) and herself to serve on the Rules Committee. She referred the members to Rule 473-X-4-.01 Inspection Standards.

Mr. Warren presented to the Board a Legal Service Agreement with the Board of Funeral Services for Mr. McEwen to provide legal services. Mr. Warren reported that Mr. McEwen was recent employed by the Board of Funeral Services, and would have legal service contracts with several State Boards to serve as Legal Counsel. Following a review of the Legal Services Agreement, Mr. Temple made a motion to accept the agreement with the Board of Funeral Services for legal services provided by Mr. McEwen at the proposed annual rate of \$15,000 effective October 5, 2015. The motion was seconded by Ms. Tidwell and unanimously approved by the Board, with none voting "nay". Mr. Warren explained that the Board would also be responsible for travel expense, and the contract did not require any termination period.

Ms. Paulene presented a list of activities that had been accomplished since the last Board meeting, to include new licenses and other changes in licenses (report available for viewing in the Board's Official Book of Minutes and on the Board's website). She also commented on the delays experienced through the State's new accounting system, STAARs.

The Board discussed the expired licensee list and Mr. McEwen advised that complaints should be submitted regarding business that are operating without a current license.

Mr. McEwen provided an update to the Board on the Supreme Court case concerning the North Carolina Dental Board. He suggested that the Board review the recommendations of the Supreme Court in this matter and consider implementing Rules to safeguard the Board in working to protect the safety of the public and actions by the Board that would be considered in violation of anti-trust laws. Mr. Warren reported that the Governor had established an Oversight Commission and the funding to the Commission would probably be addressed by the Legislature at their next session.

Mr. Peter Czapla provide a report on legislative activities affecting HME industry.

Mr. Mike Hamilton provided a report to the Board on ADMEA activities.

Mr. Warren reported that annual election of officers was due. Mr. Temple nominated the current two officers to continue to serve. The nomination was seconded by Ms. Mann and unanimously approved by the Board, with none voting "nay".

The Board discussed creating a single complaint form that could be used by a consumer, as well as business-to-business complaint. Mr. Warren presented a modified complaint form for the Board's review and approval. It was the consensus of the Board to accept the modified form as presented.

Mr. Crenshaw left the meeting at 11:40 a.m. due to a conflict in his schedule.

The Board continued discussions from the last meeting about sending a letter to insurance companies making them aware of HME licensing requirements. Mr. Warren presented a draft letter for the Board's review. Ms. Wells recommended that the letter be sent only to Humana based on the information presented at the last Board meeting. It was the consensus of the Board to modify the letter to include a statement that changes in the Board's statute may affect some of their providers' credentialing status, and they may have credentialed HME providers that are not licensed by the Board. Mr. Warren indicated that he would modify the letter and will defer sending the letter until after the Rules Committee review of Rules and a copy of the Rules would be sent along with the letter.

Ms. Wells reported on the quarterly survey by the National Supplier Clearinghouse (CMS), indicating there had been no changes in the reporting quarter. The Board discussed the recent statutes concerning insulin pumps and serving out-of-state companies serving Medicaid patients and these changes would be reported in the quarter that this occurred.

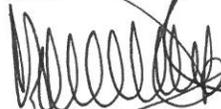
Ms. Wells presented a list of dates in 2016 to conduct Board meetings. The next meeting was tentatively scheduled on February 24th. Ms. Wells indicated that the members would be polled regarding their availability to meet at 10:00 a.m. on this date.

There being no further business, Ms. Wells adjourned the meeting at 12:08 p.m.

Respectfully Submitted,



Lisa Wells
Chair



Keith E. Warren
Executive Director

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