

ALABAMA BOARD OF HOME MEDICAL EQUIPMENT

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MINUTES

Board Meeting

September 23, 2015

The Alabama Board of Home Medical Equipment met on Wednesday, September 23, 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. Bruce Ovitt, Mr. Vernon Johnson, Ms. Missy Fields, Ms. Melissa Mann, Ms. Rhonda "Chris" Tidwell and Mr. Kent Crenshaw. Board members not present were Mr. Jonathan Temple and Mr. John Beard. Others present were Mr. Keith Warren (Executive Director), Mr. Cameron McEwen (General Counsel), Ms. Hope Paulene (Administrator), 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 regularly 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 June 24, 2015 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. Ms. Tidwell recommended a correction to the minutes on page 2, last paragraph, to read "possession" rather than "position" regarding the disposition of the automobile. Mr. Lewis made a motion to accept the June minutes as corrected. The motion was seconded by Mr. Ovitt 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 welcomed staff from the Alabama Medicaid Agency (AMA). Ms. Kelli Littlejohn Newman, Director of the Medicaid Pharmacy Division, introduced staff of AMA and presented proposed Medicaid Rules concerning DME services. The Board reviewed a list of the DME related Medicaid Rules and Ms. Newman reported that many sections had been removed since they have been incorporated into related sections. She stated that the recent changes in the ABHME statute had been included into the proposed rule changes. In addition to the changes presented by Ms. Newman, she indicated that the Board's recommendations that (1) 30 days prior notice to Medicaid (Rule No. 560-X-13-.02(14) regarding application changes be modified to allow 30 day notice from change rather than prior to change, (2) other signatures (recipient's representative) be allowed when signing for equipment (Rule No. 560-X-13-.10(7), and (3) reference to original warranty (Rule No. 560-X-13-.19) be changed to a statement of the warranty rather than manufacturer's original warranty, which is not always available in a condensed form. The Board agreed to further review the proposed Rules and provide comments to Ms. Wells to submit to Ms. Newman by October 9th.

Ms. Wells called a recess of the Board at 11:10 a.m. for approximately 15 minutes. The Board meeting was reconvened by Ms. Wells at 11:25 a.m.

Mr. Lewis inquired about addressing the number of unlicensed home medical equipment providers affiliated with Insurance Companies in the State. Mr. McEwen explained that investigations were complaint-driven; however, a letter could be sent to insurance companies in the State to educate them about the licensure laws and request that they review their list of HME providers, and the Board could request a copy of the list. The Board concurred.

Ms. Wells reported that the Board receives on a quarterly basis a request to complete CMS surveys. The Board requested that Ms. Paulene review the CMS survey website and disseminate survey questions to the Board member to respond to Ms. Paulene.

Mr. Warren presented the Executive Director Report to include a detailed report of deposits and expenditures. He commented that, with the recent changes in the Board's statute, the revenue had declined and he would report more information at the next meeting in preparing the 2017 requested budget. He also reported on the number of licensees, and the Board discussed discrepancies in the number of out-of-state licensees. Ms. Paulene reported that she would verify the number of licensees.

Mr. Warren reported on the number of complaints that had been received and processed to-date (report available for viewing in the Board's Official Book of Minutes) and the number of initial and random inspections that had been conducted as of June to present date. Ms. Paulene reported that Medicaid had requested to be notified when a license had expired or if a company failed an inspection.

Ms. Paulene presented a list of activities that had been accomplished since the last Board meeting, to include application reviews, incomplete applications, new licensees, change of addresses, change in person(s) in charge, etc.

Mr. Lewis made a motion to accept the financial report as presented. The motion was seconded by Ms. Mann and unanimously approved by the Board, with none voting "nay."

The Legal Counsel report was given by Mr. McEwen. He reported on a failed inspection due to no handicap accessibility. The manager had requested to remain open while the structural modifications were being performed. Mr. McEwen indicated that he would speak with the manager, but the Board's statute did not allow for exceptions.

Mr. McEwen presented a consent agreement signed by the President of Spectrum Healthcare Inc., for the violation of providing HME services without first obtaining a license. The consent agreement also included a \$1000 fine. Mr. McEwen reported that should they not comply, further disciplinary would be sought, with consideration to the number of days the violation occurred, etc. Mr. Lewis made a motion to accept the consent agreement as presented and to report the violation to Medicaid, as earlier discussed. The motion was seconded by Mr. Orvitt and unanimously approved by the Board, with no "nays."

Mr. Peter Czapla provided a report on ADMEA activities.

Mr. McEwen reported that the Medicaid Agency had provided him a copy of a new law that fell within the exception category. He recommended that item in the Rules be created to address with new law regarding HME services by out of state providers to in-state Medicaid patients only.

The Board discussed creating a business-to-business complaint form, in addition to the consumer complaint form. The Board discussed modifying the consumer complaint form to be more generic and it would be presented for the Board's approval.

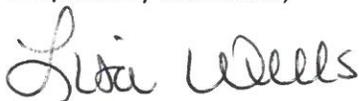
The Board continued their discussion of exemptions, specifically the definition of healthcare practitioners and mail order companies. The Board supported the Legal Counsel's interpretation of the Board's rules regarding life sustaining equipment.

The Board further discussed their concern about beneficiaries receiving appropriate and necessary education on the use of medical equipment products from mail order companies that deliver to homes. It was the consensus of the Board to continue this discussions and consider if legislative changes are needed to address this concern.

The next regularly scheduled Board meeting is December 2, 2015 at 10:00 a.m.

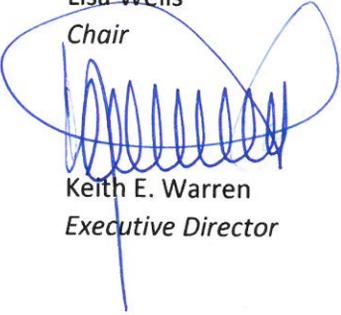
There being no further business, Ms. Wells adjourned the meeting at 12:47 p.m.

Respectfully Submitted,



Lisa Wells

Chair



Keith E. Warren

Executive Director

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