

ALABAMA BOARD OF HOME MEDICAL EQUIPMENT

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MINUTES

Board Meeting

August 21, 2018

The Alabama Board of Home Medical Equipment met on Tuesday, August 21, 2018, at the Board's office located at 2777 Zelda Road in Montgomery to conduct Board business. Board members in attendance were Ms. Lisa Wells (Board Chair), Mr. Andy Alvarez (new member), Mr. Robert Beard (new member), Mr. Jason Jones (new member) and Mr. Don Jones (new member). Board members not in attendance were Mr. Vernon Johnson (member), Mr. Kent Crenshaw (member) and Dr. Randall Lee Murphy Jr. Others present were Ms. Hope Childers (Board Administrator), Mr. Cameron McEwen (General Counsel), Mr. Mike James (Board Investigator) and Ms. Jenna Lanier (serving as recording secretary).

The meeting was called to order at 10:07 a.m. by Ms. Wells, Board Chair, and a quorum was present. Public notice of this rescheduled 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.

Ms. Wells presented the minutes from the May 22, 2018 Board meeting for the Board's approval. A copy of the minutes was provided to the Board members prior to the meeting. Mr. Beard made a motion to accept the May minutes as presented. The motion was seconded by Mr. Alvarez 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 inquired about the standing of Mr. Ovitt's membership on the Board. He is no longer in the field of home medical equipment. Mr. McEwen advised that a new member (employed in the home medical equipment industry) should be appointed to replace Mr. Ovitt. Mr. Ovitt will continue to serve until replaced or he may resign from service on the Board, leaving a vacancy on the Board, in the meantime.

Ms. Childers presented the Executive Director Report, which included financial activities by the Board for the period ending July 31, 2018. Also reported were the total number of active licensees, number of inspections conducted during FY 2018, along with number of complaints received (report available for viewing in the Board's Official Book of Minutes).

Mr. J. Jones made the motion to approve the financial report as presented. The motion was seconded by Mr. Alvarez and unanimously approved by the Board, with none voting "nay."

Ms. Childers presented the Administrator's Report on activities performed by staff since the last Board meeting, along with a list of new licenses and companies inspected.

Ms. Childers proposed that the Board reschedule the November 20, 2018 meeting, because it falls within the week of Thanksgiving. A motion was made by Mr. Alvarez to approve a new meeting date of Tuesday, December 11, 2018 at 10:00 a.m. The motion was seconded by Mr. Beard and unanimously approved by the Board, with none voting "nay."

Mr. McEwen presented the Legal Counsel Report to include an update on Internet sales of home medical equipment. At the May 22, 2018 meeting, the Board agreed that Mr. McEwen should send a letter to Amazon regarding the Board's concerns and requirements. Mr. McEwen reported that there was no update, as the letter had not yet been sent. He would send the letter out to Amazon before the December 2018 meeting.

Mr. McEwen discussed an inquiry he received regarding ambulatory infusion pumps. During the meeting, the Board members held a conference call with Ms. Nicole Siaba, who sells the equipment in other states. Ms. Siaba explained that the pumps were for patients that were undergoing chemotherapy. The pumps are given to patients by a doctor within a clinic at the time of chemotherapy administration. She explained that her employer rents these pumps from an outside vendor, who must show proof of pharmacy licensure. After Ms. Siaba disconnected from the call, the Board further discussed this equipment and Mr. McEwen commented on the contradictions in the Board's statute concerning physicians' exemption. He recommended that the Board form a committee to propose changes to the statute to clarify the Board's intent. Mr. McEwen stated that he will call Ms. Siaba after the meeting and recommend to her that she obtain a home medical equipment license as a safeguard but make her aware of contradictions in the Board's law and advise her to consult with an attorney.

The Board discussed forming a legislative committee to propose changes to the Board's statute for the 2020 legislative session. Mr. McEwen recommended that the committee consist of two-to-three members of the Board, along with additional members from outside the Board with relevant ties to the home medical equipment industry.

Ms. Wells provided an update on the activities of the ADMEA. She commented on the ESRD Interim Final Rule published in the *Federal Register* and the impact on DME, which included modifications to the fee schedule and changes to the Medicare competitive bid program. The existing contracts would end December 31, 2018, with a 2-year "gap" period, and the next competitive bid contracts occurring in January 2021.

Ms. Wells announced the next meeting date of Tuesday, December 11, 2018 at 10:00 a.m.

There being no further business, Ms. Wells adjourned the meeting at 11:50 a.m.

Respectfully Submitted,



Lisa Wells
Chair



Keith E. Warren
Executive Director

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