

Minutes  
January 22, 2008

The Alabama Board of Home Medical Equipment Service Providers met on Tuesday, January 22, 2008 in Montgomery at the Board Office for the purpose of conducting Board Business. Those in attendance were as follows: Mike Benefield, Chairman; John Beard, Member; Lewis Fuller, Member; Leigh Ann Matthews, Member; Diane Starnes, Member; and Roger Schofield, Member. Also present were Paula Scout McCaleb, Executive Director, Dana Billingsley, Legal Counsel, and Jessica Burdette, Licensing Agent and Recording Secretary. Those not present were: Diane Garrett-Williamson, Vice-Chair; Graham Sisson, Member; and Dr. Mitchell Shirah, Member.

The meeting was called to order at approximately 10:19 A.M. with a quorum present.

The meeting was advertised on the Board's website and the Secretary of State's website in accordance with the Open Meetings Act.

A motion was made by Lewis Fuller to approve the minutes as distributed. The motion was seconded by John Beard and passed unanimously.

At approximately 10:32 A.M., Dr. Mitchell Shirah joined the meeting.

A motion was made by Lewis Fuller to accept the settlement in the amount of \$15,000 from the Alexander Orthotics and Mobility and LifeAid Medical Equipment Case No. CV-2007-000515.00. The motion was seconded by John Beard and passed unanimously.

At approximately 10:54 A.M., Dr. Mitchell Shirah exited the Board meeting.

A motion was made by John Beard to accept the new section of Rules and Regulation regarding Renewal of Licenses with the following addition:

**“473-X-8-.01 Renewal of License.**

(1) The Home Medical Equipment Service Provider license shall be valid for one (1) year, expiring on August 31<sup>st</sup> of each year; however, the initial licensure period for any given license may be prorated so that its expiration date coincides with the August 31<sup>st</sup> renewal date for all valid licenses. The license fee will not be prorated for abbreviated licenses issued.

(2) Failure to renew within sixty (60) days after the expiration date of the current license will result in an expired license. Home Medical Equipment Services Providers will not be permitted to provide home medical equipment services with an expired

license. Licensees who operate under expired licenses shall be subject to the penalties established under Section 34-14-C-6(a), Code of Alabama, 1975.

(3) One (1) renewal notice will be provided by U.S. Mail to the licensee's last address of record sixty (60) days prior to the renewal date. Licensees are responsible to maintain a current mailing address with the Board. One final renewal notice will be placed by an automated calling service on August 21<sup>st</sup> to licensees who have not renewed by this date.

(4) To be eligible for renewal, an applicant shall:

(a) Hold a valid, active Alabama license; and

(b) Timely submit a completed and signed renewal application and required fee(s) to the Board.

(5) Renewals will be submitted online via the Board's web site. Licensees may request manual renewal by making a written request to the Board office.

(6) Failure to receive the renewal application or notice of renewal shall not relieve the licensee of the responsibility to renew the license by the expiration date.

(7) Once a license has expired, a cease and desist letter will be issued by certified mail to the last address of record and a new application and inspection will be required for licensure.

(8) The Board may notify third party payors, regulatory boards and agencies, and governmental agencies responsible for reimbursement to home medical equipment services providers such as Medicaid and Medicare, of expired licenses no earlier than November 1<sup>st</sup> of each licensing year."

The motion was seconded by Leigh Ann Matthews and passed unanimously.

A motion was made by Diane Starnes to accept the noted changes to Appendix 1 of the Rules and Regulations, regarding the language and fees as follows:

**“APPENDICES 1 - Fees.**

\$250 License/Renewal Fee (per location)

\$500 Initial Inspection Fee (per location)

~~\$250~~ 150 Re-Inspection Fee

\$275      ~~Change of Physical Address and Site Inspection~~ Site Inspection Fee upon  
Change of Physical Location"

The motion was seconded by Leigh Ann Matthews and passed unanimously.

A motion was made by Diane Starnes to accept the revised Site Inspection Form with noted changes. The motion was seconded by John Beard and passed unanimously.

The Chairman called for a vote regarding the use of Post Office Boxes for the purposes of mailing correspondence only. Voting in favor were: Mike Benefield, John Beard, Lewis Fuller, Leigh Ann Matthews, and Diane Starnes. Abstaining: Roger Schofield. The motion to use Post Office boxes for correspondence purposes only carries.

A motion was made by Lewis Fuller to approve the new Change of Address Form with noted changes. The motion was seconded by John Beard and passed unanimously.

A motion was made by Lewis Fuller to accept the new application for a change of Person in Charge with noted revisions. The motion was seconded by Leigh Ann Matthews and passed unanimously.

A motion was made by Lewis Fuller to pursue the consumer advertisement, with noted changes, and place it in the newspapers via Ala-scan. The motion was seconded by John Beard and passed unanimously.

There being no further Board Business, a motion was made by Lewis Fuller to adjourn the meeting. The motion was seconded by John Beard and passed unanimously. The time being approximately 1:12 P.M. The Chairman announced that the next scheduled Board meeting would be held on April 22, 2008 at the Montgomery Board Office.

Respectfully submitted,

---

Mike Benefield, Chairman

---

Diane Garrett-Williamson, Vice-Chair

---

Paula Scout McCaleb, Executive Director

---

Jessica Burdette, Serving as Recording Secretary