

Meeting Minutes
July 22, 2008

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

The meeting was called to order at approximately 10:00 A.M. with a quorum present.

The meeting was advertised on the Board's web site as well as the Secretary of State's web site in accordance with the Open Meetings Act.

A motion was made by Lewis Fuller to approve the Meeting Minutes from April 22, 2008 as distributed. Leigh Ann Matthews seconded the motion and the motion passed unanimously.

At approximately 10:07 A.M. Dana Billingsley joined the meeting.

At approximately 10:15 A.M. John Beard joined the meeting

A motion was made by Lewis Fuller to accept the consent order of D & D Medical. Roger Schofield seconded the motion and the motion passed unanimously.

A motion was made by Lewis Fuller to accept the consent order of Patsy Rhodes. Diane Garrett-Williamson seconded the motion. The motion carries with Diane Garrett-Williamson, John Beard, Lewis Fuller, Roger Schofield, and Mike Benefield voting for the motion; Leigh Ann Matthews voting against the motion and Diane Starnes abstaining from voting.

A motion was made by John Beard to change the language in Rules and Regulation 473-X-1-.01 item number 4 to read as follows:

“(4) Home Medical Equipment (HME) means medical devices usable in a residential setting. Home Medical Equipment is any equipment that provides therapeutic benefits or enables the consumer to perform certain tasks that he or she is unable to undertake otherwise due to certain medical conditions and/or illnesses. ~~Examples of Home Medical Equipment include, but are not limited to, equipment such as wheelchairs and scooters, wheelchair cushions and seating systems, hospital beds, traction equipment, canes, crutches, walkers; respiratory care equipment, including invasive and non invasive ventilators, apnea monitors, aerosol generators, nebulizers, such machines and oxygen equipment; and other medically needed items.~~ Home Medical Equipment is considered to be equipment that can withstand repeated use and is primarily and customarily used to serve a medical purpose. ~~Home Medical Equipment does not include prosthetics, or any splints, braces, or aids custom fabricated by a licensed health care provider.~~ Home Medical Equipment includes, but is not limited to:

(a) equipment such as wheelchairs and scooters, wheelchair cushions and seating systems, breast prostheses, mastectomy bras, hospital beds, traction equipment, canes, crutches, walkers; respiratory care equipment, including invasive and non invasive ventilators, apnea monitors, aerosol generators, nebulizers, such machines and oxygen equipment; and other medically needed items.

| ~~(a)~~(b) any product intended for use in the home and defined as a medical device by the U. S. Food and Drug Administration under the federal Food, Drug and Cosmetic Act - Chapter 11, Sec. 201.[312] (b) and Chapter V, Subchapters (A) and (B).

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| ~~(b)~~(c) any product, intended for use in the home, which is a device, instrument, apparatus, machine, or other similar article whose label bears the statement: "Caution: Federal law requires dispensing by or on the order of a physician."

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~~(e)~~(d) any product eligible to be reimbursed under the Healthcare Common Procedure Coding System (HCPCS) code listing by any insurance provider, to include, but not limited to, Medicare Program Part B Durable Medical Equipment benefits or under the Alabama Medicaid Program Durable Medical Equipment benefits.

(e) Home Medical Equipment does not include prosthetics, or any splints, braces or aids custom fabricated by a licensed health care provider."

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

At approximately 11:30 A.M. Graham Sisson joined the meeting. Mr. Sisson was unable to join earlier due to a previous commitment serving on Governor Bob Riley's Mass Sheltering Task Force.

There being no further Board business, a motion was made by Leigh Ann Matthews to adjourn the meeting. Diane Garrett-Williamson seconded the motion, and the motion passed unanimously. The time being approximately 11:42 A. M. The Chair announced that the next Board meeting would be held October 21, 2008 at the Montgomery Board Office.

Respectfully Submitted,

Mike Benefield, Chair

Diane Garrett-Williamson, Vice-Chair

Paula Scout McCaleb, Executive Director

Jessica Burdette, License Agent, serving as Recording Secretary