

## **Board Meeting Minutes May 14, 2013**

The Alabama Board of Home Medical Equipment Services Providers met on Tuesday, May 14, 2013, in Montgomery, Alabama at the Board office for the purpose of conducting Board business. Those in attendance were as follows: James Jernigan, Chair; Wayne Lewis, Vice-Chair; John Beard, Member; Kent Crenshaw, Member; Peter Czapla, Member; Diane Giddens, Member; Dr. Fred Hunker, Member; and Bruce Ovitt, Member. Not present were Missy Fields, Member; and Chris Tidwell, Member. Also present were Paula Scout McCaleb, Executive Director; Dana Billingsley, Legal Counsel; and Brandy Isenhour, Operations Manager and serving as Recording Secretary.

The meeting was called to order at approximately 10:05 a.m., with a quorum present, in the following members: James Jernigan, Wayne Lewis, John Beard, Kent Crenshaw, Peter Czapla, Diane Giddens, Dr. Fred Hunker, and Bruce Ovitt.

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

Bruce Ovitt, Board Member, joined the meeting at approximately 10:06 am.

John Beard, Board Member, joined the meeting at approximately 10:08 am.

A motion was made by Diane Giddens to approve the Consent Order for Steve Henry. Dr. Fred Hunker seconded the motion. The motion passed unanimously. Voting "aye" were James Jernigan, Wayne Lewis, John Beard, Kent Crenshaw, Peter Czapla, Diane Giddens, Dr. Fred Hunker and Bruce Ovitt. Voting "nay" were none. The motion passed.

A motion was made by Wayne Lewis to accept the meeting Minutes from February 12, 2013, as presented. Peter Czapla seconded the motion. The motion passed unanimously. Voting "aye" were James Jernigan, Wayne Lewis, John Beard, Kent Crenshaw, Peter Czapla, Diane Giddens, Dr. Fred Hunker and Bruce Ovitt. Voting "nay" were none. The motion passed.

A motion was made by Peter Czapla to request an Attorney General's opinion on whether or not the Board can hire a Lobbyist. John Beard seconded the motion. The motion passed unanimously. Voting "aye" were James Jernigan, Wayne Lewis, John Beard, Kent Crenshaw, Peter Czapla, Diane Giddens, Dr. Fred Hunker and Bruce Ovitt. Voting "nay" were none. The motion passed.

A five minute break was taken at 11:00 a.m. The Board re-convened at 11:08 a.m., with a quorum present.

A motion was made by Wayne Lewis to cancel the August 13<sup>th</sup> Board meeting with the understanding that it may be rescheduled by the Chair upon notice from the Sunset Review Committee on the date and time of the Board's Sunset Review this Summer. Dr. Fred Hunker seconded the motion. The motion passed unanimously. Voting "aye" were James Jernigan, Wayne Lewis, John Beard, Kent Crenshaw, Peter Czapla, Diane Giddens, Dr. Fred Hunker and Bruce Ovitt. Voting "nay" were none. The motion passed.

A motion was made by Bruce Ovitt to adopt the proposed Rules and Regulations as follows:

**473-X-1-01 Definitions.**

(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. 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 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.

Peter Czapla seconded the motion. Voting "aye" were James Jernigan, Wayne Lewis, Kent Crenshaw, Peter Czapla, Diane Giddens, Dr. Fred Hunker and Bruce Ovitt. Voting "nay" were none. John Beard abstained. The motion passed.

There being no further Board business, the Board meeting was adjourned, the time being approximately 12:30 p.m. The Chair announced that the next scheduled meeting would be held November 12, 2013, in the Montgomery Board Office.

Respectfully Submitted,

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James Jernigan, Chairman

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Paula McCaleb, Executive Director

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Wayne Lewis, Vice Chair

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Brandy L. Isenhour, Operations Manager  
and Serving as Recording Secretary