

## **ALABAMA BOARD OF HOME MEDICAL EQUIPMENT**

Post Office Box 240636 • Montgomery, Alabama 36124-0636

Phone: (334) 215-3474 • Fax: (334) 215-3457

[www.homemed.alabama.gov](http://www.homemed.alabama.gov)

### **MINUTES**

#### **Board Meeting**

**June 24, 2015**

The Alabama Board of Home Medical Equipment met on Wednesday, June 24, 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 Lisa Wells (Chair), Wayne Lewis (Vice Chair), Bruce Ovitt, Missy Fields, Melissa Mann, and Jonathan Temple. Board members not present were Kent Crenshaw, Rhonda "Chris" Tidwell, Vernon Johnson and John Beard. Others present were Keith Warren (Executive Director), Bill Garrett (Assistant Attorney General), Hope Paulene (Administrator), and Renee' Reames (Executive Secretary to Mr. Warren and serving as recording secretary).

The meeting was called to order at 10:05 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](http://www.homemed.alabama.gov) and published on the Secretary of State's web site at [www.sos.alabama.gov](http://www.sos.alabama.gov), in accordance with the requirements of the Alabama Open Meetings Act.

Ms. Wells asked the Board members and other attendees to introduce themselves, which included the Board inspector/investigator, Mike James, and Peter Czapla with the Alabama Durable Medical Equipment Association (ADMEA).

Bill Garrett, Assistant Attorney General, joined the meeting in progress at approximately 10:12 a.m. Mr. Warren reported that the Governor had created the Office for Regulatory Oversight of Boards and Commissions to provide Board regulatory review. Mr. Garrett explained that the creation of this new office resulted from the recent ruling by the Supreme Court concerning the North Carolina Dental Board as it related to the oversight of boards and protecting the immunity of board members, etc.

The minutes from the April 15, 2015 Board meetings were presented to the Board for their review. A copy of the minutes was provided to the Board members prior to the meeting. Ms. Fields made a motion to approve the April minutes as presented. The motion was seconded by Mr. Temple 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 commented on new rules as it related to changes in the statute. She led discussions regarding changes in the statute that pertained to exemptions and mail order companies. It was the consensus of the Board to define further in the definition of a mail order company (Admin. Code 473-X-1-.01(8)), concerning "(any) other medical equipment necessary to avert an immediate threat to a consumer's health or safety", etc., and to continue these discussions at the next Board meeting.

Mr. Warren presented the Executive Director Report to include a detailed report of deposits and expenditures. He also reported on the number of licensees, as well as the number of complaints that had been received and processed (report available for viewing in the Board's Official Book of Minutes). Mr. Warren reported on the number of initial and random inspections that had been conducted since May 1, 2015. Mr. James, Board inspector/investigator, reported that regulatory boards were exempt from HIPPA regulations in conducting these inspections and the review of medical records.

Ms. Paulene reported on the number of new licensees and incomplete applications reviewed for licensing. She also reviewed a list of activities that had been accomplished since May 1, 2015 to-date, to include a list of third-party payers that would receive a list of expired licensees (as of August 31, 2014). She reported that this list of expired licensees would receive a cease and desist letter.

Following a discussion concerning the Board's financial report, Ms. Wells stated that the Board would approve and adopt at future meetings these reports.

There was no new report by the Legal Counsel.

Ms. Wells called on Peter Czapla to provide a report on legislative activities by the ADMEA. Mr. Czapla reported that the Association had extended an invitation to the Board to join the Association and the membership fees had been waived. The Board thanked Mr. Czapla and Mr. Warren reported that he planned to attend the upcoming meeting of the Association.

Mr. Czapla reported on two legislative bills concerning the home medical equipment industry. He assured the Board that his communications with the legislators had been without representation of the Board or in any manner speaking on behalf of the Board.

Mr. Czapla reported that SB341 had been approved, which exempt providers of insulin infusion pumps or continuous glucose monitors and related supplies, from Board licensing requirements.

He further reported that HB583 had been approved to exempt from Board licensing requirements the out-of-state providers of home medical equipment for services provided only to Alabama Medicaid recipients.

Mr. Temple made a motion that an agenda item be designated for Mr. Czapla to provide, at future Board meetings, reports concerning the Association and legislative activities. The motion was seconded by Mr. Ovitt and unanimously approved by the Board, with none voting "nay".

Mr. Warren reported that the Legal Audit report had been received and any findings noted in the report had been corrected by Ms. Paulene.

Mr. Warren reported on the disposition of the State vehicle. He reported that the vehicle was at the State Transportation Pool and that he had not taken position of it. He recommended the sale of the vehicle by State Fleet Management on behalf of the Board, since the vehicle was not needed for staff travel, inspections or investigations. Mr. Ovitt made the motion to sell the vehicle as recommended by Mr. Warren. The motion was seconded by Ms. Fields and unanimously approved by the Board, with no voting "nay".

Mr. Warren reported that several Board terms were to expire in October. He indicated that he would speak with Association members about making a recommendation to the Governor's office for Board appointments. He explained that a term was for four years and two full terms were allowed and that Board members shall continue to serve until a replacement was appointed. Ms. Well stressed the importance of commitment and participation by Board members.

The Board discussed the requirement of Statements of Economic Interest reported annually to the Ethics Commission. Mr. Warren reported that annual reminder notices would be sent to Board members.

The Board discussed updating personal contact information on the Boards' website. It was the consensus of the Board to notify the Board's administrative office about preferred contact information for public information.

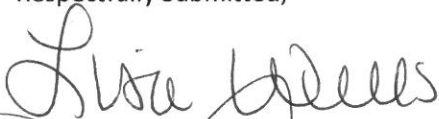
Ms. Wells reminded the Board about restricting their activity in receiving complaints from the public and asked that the members refer all complaints to the administrative office.

The Board discussed setting a date for future Board meetings. It was the consensus of the Board to meet on September 23, 2015 and December 2, 2015 at 10:00 a.m. at the Board's office in Montgomery.

The next regularly scheduled Board meeting is scheduled September 23, 2015 at 10:00 a.m.

There being no further business, Ms. Wells adjourned the meeting at 11:48 a.m.

Respectfully Submitted,



Lisa Wells  
*Chair*



Keith E. Warren  
*Executive Director*

/rr