

ALABAMA BOARD OF HOME MEDICAL EQUIPMENT

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MINUTES

Board Meeting

August 24, 2016

The Alabama Board of Home Medical Equipment met on Wednesday, August 24, 2016, at the Board's office located at 2777 Zelda Road in Montgomery for the purpose of conducting Board business. Board members in attendance were Ms. Lisa Wells (Chair), Mr. Wayne Lewis (Vice Chair), Ms. Missy Fields, member, Ms. Melissa Mann, member, Ms. Rhonda "Chris" Tidwell, member, and Mr. Bruce Ovitt, member. Board members not present were Mr. Jonathan Temple, Mr. Kent Crenshaw, Mr. Vernon Johnson, and Mr. John Beard. Others present were Mr. Keith Warren (Executive Director), Mr. Cameron McEwen (General Counsel), Mike James (Investigator/Inspector) and Ms. Renee' Reames (Executive Secretary to Mr. Warren and serving as recording secretary).

The meeting was called to order at 10:08 a.m. by Ms. Wells and a quorum was present. Public notice of this scheduled 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.

The minutes from the February 24, 2016 meeting were presented to the Board for their review. A copy of the minutes was provided to the Board members prior to the meeting. Ms. Tidwell made a motion to accept the February minutes as presented. The motion was seconded by Mr. Ovitt 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 indicated that she had an opportunity to do six ride-along inspections with the Board's Inspector, Mike James, and she had received positive feedback from the staff at these facilities about the manner in which these inspections had been conducted.

The Board discussed issuing letters of exemption for those type facilities attempting to get quality for Medicaid. Mr. McEwen, General Counsel, advised against such a letter as a Board created for licensing and he offered to speak with the applicants when these matter arose to explain the rationale.

Ms. Wells commented on the need to have Board members actively participating and attending Board meetings to attain a quorum for meetings and represent the service categories as appointed. The Board discussed their authority regarding members missing consecutive meetings. Mr. Warren indicated that he would contact the Medical Board about an appointment to the Board for the physician position. Ms. Wells asked the Board members whose terms were expiring to please let her know about their interest to continue to serve for another term.

Mr. Warren presented the Executive Director Report to include a detailed financial report of deposits and expenditures as of August 22, 2016. He also reported on the number of licensees and inspections conducted in fiscal year 2016 and complaints received during fiscal year 2015 and 2016, to include the type of cases closed.

Mr. Warren reported on the Administrator's report, which included staff performance activities and the number of licensee documents processed during the period of February 26, 2016 to present, along with the report on the number of applications process, new licensees, etc. (reports available for viewing in the Board's Official Book of Minutes). He reported that a full-time accountant had been employed by Warren & Company to deal with STAARS, the State's new accounting system.

Mr. Warren reported that he had asked State Fleet Vehicle Department to allow the Board to sale the vehicle rather than transfer it. He reported that this matter was still pending at the State level.

Mr. McEwen presented the General Counsel Report, to include a Consent Agreement concerning Choice Healthcare Inc. for the Board's approval. Mr. Lewis made a motion to approve the Consent Agreement as presented, which included a one-year probation and disciplinary fine. The motion was seconded by Ms. Mann and unanimously approved by the Board, with none voting "nay".

Ms. Wells presented the ADMEA Update, reporting that the recent ADMEA meeting was well attended and that she would inquire with ADMEA about the Board's Executive Director's future participation.

Ms. Wells presented three Rules for the Board approval as Final Rules. Mr. Warren reported that he had not received any comments from the public concerning these advertised Rules. The Board discussed Rule 473-X-3-.01 Administrative Procedures, and agreed item (11) be modified to read: "Ensure the personnel are trained to set up the equipment, instruct the patient and/or caregiver in the safe operation and client maintenance of the equipment." The Board reviewed Rule 473-X-4-.01 Inspection Standards, and agreed to correct the spelling of "random" in item (1). The Board reviewed Rule 473-X-5-.01 Ethics and agreed no changes were recommended. Mr. Ovitt made a motion to approve as Final Rule 473-X-3-.01 as amended, 473-X-4-.01 as amended and 473-X-5.01 as published. The motion was seconded by Ms. Fields and unanimously approved by the Board, with none voting "nay".

Ms. Well recommended that further review of other Rules to include Mail Order Companies and Patient Equipment Training requirements be deferred to a future meeting and the members unanimously agreed. The Board members discussed having clarity concerning the definition of mail order companies. Mr. McEwen explained that mail order companies could have marketing representatives for items sold, although these items are sold on-line, and if instruction is given in the patient's home regarding the operation of equipment, then a company license would be required. The Board agreed to table further discussion of changes to the Mail Order Rule until additional concerns were known.

Mr. Warren presented the Legal Services Contract for annual approval. Mr. Ovitt made a motion to approve the Legal Services Contract for another year with no changes in the contract. The motion was seconded by Mr. Lewis and unanimously approved by the Board, with none voting "nay".


The next meeting of the Board is scheduled November 30, 2016.

There being no further business, Ms. Wells adjourned the meeting at 11:39 a.m.

Respectfully Submitted,



Lisa Wells
Chair



Keith E. Warren
Executive Director

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