

ALABAMA BOARD OF HOME MEDICAL EQUIPMENT

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MINUTES

Board Meeting

February 24, 2016

The Alabama Board of Home Medical Equipment met on Wednesday, February 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), Mr. Jonathan Temple, member, Ms. Missy Fields, member, Ms. Melissa Mann, member, and Ms. Rhonda "Chris" Tidwell, member. Board members not present were Mr. Bruce Ovitt, Mr. Kent Crenshaw, Mr. Vernon Johnson, and Mr. John Beard. Others present were Mr. Keith Warren (Executive Director), Mr. Cameron McEwen (General Counsel), Mr. 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 10:09 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 December 16, 2015 meeting were presented to the Board for their review. A copy of the minutes was provided to the Board members prior to the meeting. Mr. Lewis made a motion to accept the December minutes as prepared. The motion was seconded by Ms. Tidwell 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 did not have any new information to report. She asked Mr. Peter Czapla to present his legislative report and he reported that there had been a huge cut in Medicare funding and another cut in funding was planned. The Board members commented on how the reduction in Medicare reimbursement for DHME services may have a negative effect on licensed companies and reduce the number of licensees.

Mr. Warren presented the Executive Director Report to include a detailed financial report of deposits and expenditures as of February 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. The Board discussed incidences when a Board member would be assigned to assist with a complaint. Mr. James indicated that a Board member's expertise was needed on technical matters. Mr. McEwen explained that when a Board member assists in a complaint case, they would be excluded from voting on the case at an Administrative Hearing. It was the consensus of the Board to discontinue the practice of routinely assigning a Board member to a complaint cases and agreed that Board members would be assigned, when

needed, to provide technical consultation. Mr. Warren reported that if a Respondent in a complaint case was fined, they typically had 30 days to pay the disciplinary fine. Mr. McEwen reported that one Respondent had paid their fine of \$5000, which had been accessed in a Consent Agreement, but the fine had not been deposited, pending receipt of the Consent Agreement signed by the Respondent.

Mr. Warren reported on the Administrator's report, which included staff performance activities and the number of licensee documents processed during the period of December 1, 2015 to present (report available for viewing in the Board's Official Book of Minutes).

Mr. McEwen indicated that he had no new business to report for the Legal Counsel Report.

Ms. Wells reported that the Rules Committee had met by conference call and recommended various changes in the Board's Rules. Mr. McEwen reviewed a list of Rule changes, which included his recommendation to revise or make no changes to the Rules. Also discussed were the proposed Rule changes that would be applicable to the Board's Inspection form. Mr. Temple made a motion to approve the following Rule changes:

- ADD Rule 473-X-4-.01(11) – Maintain all applicable City, County, State Business License and all other applicable licensure as required (i.e., State Board of Pharmacy Oxygen Permit).
- REVISE Rule 473-X-3-.01(8) – Submit complete and accurate information on the HME permit application. Any changes to this information must be reported to the Alabama Board of Home Medical Equipment, or its agents, within 30 days of the change. [Remove other language.]
- ADD Rule 473-X-4-.01(10) – Fill orders from its own inventory or contract with other companies for the purchase of items necessary to fill orders.
- ADD Rule 473-X-3-.01(11) – Ensure the personnel are trained to set up the equipment, instruction the patients and caregivers in the safe operations and client maintenance of the equipment.
- REVISE Rule 473-X-3-.01(7)(f) Certificate of Insurance – Must have a comprehensive liability insurance in the amount of at least \$300,000 that covers both the supplier's place of business and all customers and employees of the supplier. If the provider manufactures its own items, this insurance must also cover product liability and complete operations.
- REVISE Rule 473-X-4-.01(3) - A Home Medical Equipment Provider shall maintain a primary business telephone listed under the name of the business local directory or a toll free number available through directory assistance. The exclusive use of a beeper, answering machine, answering service or cell phone during posted business hours may not be used as the primary business phone. [Remove other language that follows.]
- ADD Rule 473-X-4-.01(12) – If a licensee supplies oxygen, mechanical ventilation, or other life sustaining equipment, the company must maintain an after-hours service necessary to avert an immediate threat to consumers health or safety. Ensure that patients are made aware of company's service hours and its emergency service procedures.
- REMOVE Rule 473-X-4-.01(1) The Board hereby incorporates the Centers for Medicare and Medicaid Services (CMS) Medicare Durable Medical Equipment Provider of Service (DMEPOS) Supplier Standards as additional requirements with which all applicants must comply for licensure; provided, however, that Board does not incorporate the requirement for accreditation as an additional requirement with which applicants for licensure must comply.

- REPLACE Rule 473-X-4-.01(1) Permit the Alabama Board of Home Medical Equipment, or its agents, to conduct random on-site inspections to ascertain compliance with rules, regulations and standards.
- REMOVE Rule 473-X-5-.01(1) The Board hereby incorporates by reference the Medicare Supplier Standards [found at 42 C.F.R. pt. 424, sec 424.57(c), effective December 11, 2000]; with the exception of accreditation standards.

The motion was seconded by Ms. Mann and unanimously approved by the Board, with none voting "nay".

The Board agreed when publicizing the proposed Rules in the Administrative Monthly for public comments and Rules would also be posted on the Board's website.

Ms. Wells further commented that consideration to Rule changes concerning mail order companies and patient's equipment training would be discussed at a future meeting.

Mr. Warren presented the annual renewal of the Administrative Services Contract. He recommended that the current contract be approved as written and fees could be approved at a 5% increase or decrease. The Board discussed the current terms of the contract that allowed for contract renewal each year for 5 years and rebidding of the contract before the end of the 5th year or earlier if needed. Mr. Lewis made a motion to renew the Administrative Services contract with Warren & Company for another year at the current rate with no changes. The motion was seconded by Ms. Fields and unanimously approved by the Board, with none voting "nay".

The Board discussed sending a letter to Humana (healthcare insurance) concerning licensing requirements for DHME providers. It was the consensus of the Board to consider sending a letter to all healthcare insurance providers after the proposed Rules have been revised and are in effect. Ms. Wells and Mr. Lewis agreed to develop a list of healthcare insurance providers and distribute the list to the Board members for further discussion at the next meeting of the Board.


The next meeting of the Board is scheduled May 25, 2016.

There being no further business, Ms. Wells adjourned the meeting at 12:27 p.m.

Respectfully Submitted,



Lisa Wells
Chair



Keith E. Warren
Executive Director

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