

ALABAMA BOARD OF HOME MEDICAL EQUIPMENT

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MINUTES

Board Meeting

February 20, 2018

The Alabama Board of Home Medical Equipment met on Tuesday, February 20, 2018, at the Board's office located at 2777 Zelda Road in Montgomery to conduct Board business. Board members in attendance were Ms. Lisa Wells (Board Chair), Mr. Vernon Johnson (member), Mr. Bruce Ovitt (member), Mr. Andy Alvarez (new member), Mr. Robert Beard (new member), Mr. Don Jones (new member), Mr. Jason Jones (new member). Board members not in attendance were Mr. Kent Crenshaw (member) and Dr. Randall Lee Murphy, Jr. (new member). Others present were Mr. Keith Warren (Executive Director), Mr. Cameron McEwen (General Counsel), Ms. Hope Childers (Board Administrator), Mr. Mike James (Board Investigator/Inspector), Ms. Jennifer Love, Legal Assistant and Ms. Renee' Reames (Executive Secretary to Mr. Warren and serving as recording secretary).

The meeting was called to order at 10:00 a.m. by Ms. Wells and a quorum was present. Public notice of this rescheduled 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.

Mr. Warren administered the oath of office to new Board members: Mr. Alvarez, Mr. Beard, Mr. D. Jones and Mr. J. Jones. The new members were welcomed by the other members on the Board.

Ms. Wells presented the minutes from the November 14, 2017 meeting for the Board's approval. A copy of the minutes was provided to the Board members prior to the meeting. Mr. Johnson made a motion to accept the November 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, Board Chair, welcomed the new Board members and thanked them for their service. She indicated that she had no new information to report to the Board.

Mr. Warren presented the Executive Director Report, which included financial activities by the Board for the first quarter of FY 2018, ending December 31, 2017. Also reported were the number of active licensees, number of inspections conducted to-date, and number of complaints received during FY 2018 (report available for viewing in the Board's Official Book of Minutes). Mr. Warren commented on the complaint process and asked that all calls and contacts from complainants be referred to Administration to prevent Board members from having to be recused from a case should the case progress to an administrative hearing, etc. Mr. Ovitt made the motion to approve the financial report as presented. The motion was seconded by Mr. Alvarez and unanimously approved by the Board, with none voting "nay."

Mr. Warren presented the Administrator's Report on activities performed by staff since the last Board meeting, along with a list of expired licenses and companies inspected.

Mr. McEwen presented the Legal Counsel Report to include an exemption inquiry concerning monitoring equipment used by patient's in their home following a cardiac-implant. Upon the Board consideration of the use of the machine and review of the Board's statute and rules, it was the Board's opinion that the provider was exempt from licensure. Mr. McEwen indicated that he would notify the company of the Board's decision.

Mr. McEwen also presented a request for exemption concerning the sale of compression stockings. The Board requested more information concerning the business model to sale customized items or general consumer items, and agreed to consider this matter at the next Board meeting if information was provided.

Mr. McEwen presented a hardship request from a former licensee. He explained that due to financial hardship, they had not renewed their license in a timely manner and requested the Board's leniency to allow them to pay their licensing fee through a payment plan or waiver of fees. Following Board discussion, it was determined that the Board did not have the authority to waive licensing fees nor establish a payment plan for fees. The request was denied.

Mr. Warren reported that the Administrative Law Judge opinion to be issued following the Administrative Hearing held at the last meeting, had been withdrawn because the applicant had withdrawn their application for licensure. Mr. McEwen reported that the Board's statute did not indicate a time-period that the applicant would need to wait before resubmitting an application. Mr. Warren explained that following the application being withdrawn, the applicant had submitted another application and was now in compliance and the matter was closed.

Mr. Don Jones provided an update on the activities of the ADMEA, which included working on federal legislation to help the HME industry and an outreach public education program about awareness of out-of-pocket expenses affecting consumers.

Ms. Wells recognized Ms. Linda West, who asked to come before the Board to comment on CPAPs being a personalized equipment and Internet sales being conducted without evidence of patient education about the equipment. Mr. McEwen reported that CPAP machines were not exempt in the definition for mail order businesses. Ms. West commented that online equipment sales were occurring and advocated for consumers protection from companies that may take advantage of consumers through auto-ordering of supplies. The Board discussed launching a group effort for public education and awareness about risks associated with products. Mr. McEwen recommended that Amazon, one of the major advertisers, be notified about Alabama law and the potential negative public relations concerning bad outcome for a patient. The Board asked Mr. McEwen to contact the legal counsel from other state boards and associations' contacts about a public relations alliance concerning this matter.

Ms. Wells reported that the election of Board officers had been postponed pending the appointment of new members that were present at this meeting and she called for nominations for the office of Board Chair and Board Vice Chair. Mr. Ovitt nominated Ms. Wells as Board Chair. The nomination was seconded by Mr. D. Jones. There were no other nominations from the floor and the Board unanimously approved Ms. Wells as Board Chair, with none voting "nay."


Mr. D. Jones nominated Mr. Ovitt as Board Vice Chair. The nomination was seconded by Mr. Alvarez. There were no other nominations from the floor and the Board unanimously approved Mr. Ovitt as Board Vice Chair, with none voting "nay."

There being no further business, Ms. Wells adjourned the meeting at 11:20 a.m.

Respectfully Submitted,

Lisa Wells

Lisa Wells
Chair


Keith E. Warren
Executive Director

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