

# **ALABAMA BOARD OF HOME MEDICAL EQUIPMENT**

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## **MINUTES**

### **Board Meeting**

**January 21, 2020**

The Alabama Board of Home Medical Equipment met on Tuesday, January 21, 2020, 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. Jason Jones (Board Vice Chair), Mr. Andy Alvarez (member), Mr. Robert Beard (member) and Mr. Kent Crenshaw (member arriving at 10:28 a.m.). Board members not in attendance were Mr. Vernon Johnson (member), Dr. Randall Lee Murphy Jr. (member) and Mr. Don Jones (member). Others present were Mr. Keith Warren (Executive Director), Mr. Cameron McEwen (Legal Counsel), Mr. Bill Garrett (Assistant Attorney General), Mr. Mike Weeks (Legislative Affairs) and Ms. Renee' Reames (serving as recording secretary). Guests were also present.

The meeting was called to order at 10:28 a.m. by Ms. Wells, Board Chair, after a quorum was present. Ms. Reames called roll to ensure a quorum. Public notice of the 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.

Chairperson Wells presented the bids received in response to the Administrative Services request for bids. Included with the bids was a copy of the bid specifications for the Board's review. Chairperson Wells announced that two bids were received: one from The Austin Group, LLC and one from Warren & Company, Inc. She presented, for the Board's consideration, the lowest bid received from The Austin Group (TAG). During the review, the Board asked for clarity, when reviewing Part VI of TAG's bid, about who TAG provided services to as firm management. Chairperson Wells contacted State Purchasing for clarification on presenting questions to the bidder regarding experience of firm management. The Board continued to review Part VI of TAG's bid response regarding working knowledge of laws affecting health-related boards in Alabama, and the Board agreed to seek clarification from State Purchasing about obtaining additional information from the bidder.

While awaiting a response from State Purchasing, Chairperson Wells presented a copy of the November 19, 2020 Board meeting minutes for the Board's approval. Mr. J. Jones made the motion to approve the November minutes as presented. The motion was seconded by Mr. Alvarez and unanimously approved by the Board.

Chairperson Wells also presented amended minutes from previous meetings, which removed Mr. Bruce Ovitt from the roll, since he had already resigned. Mr. Alvarez made the motion to approve the amended minutes for the May 22, 2018, August 21, 2018, February 28, 2019 and June 4, 2019 meeting minutes. The motion was seconded by Mr. Beard and unanimously approved by the Board.

Chairperson Wells reported that she had no information to report for the Chairperson' Report.

Mr. Warren presented the Executive Director's report, which included financial activities by the Board for the period ending December 31, 2019. He also reported on the total number of active licensees, along with the number of complaints received and inspections conducted during the first quarter of FY 2020 (report available for viewing in the Board's Official Book of Minutes).

Mr. Crenshaw made the motion to approve the financial report as presented. The motion was seconded by Mr. Alvarez and unanimously approved by the Board.

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

Mr. McEwen reported that matters concerning the Legal Counsel Report were deferred to later in the meeting.

Mr. Beard provided an ADMEA update on local and federal-level activities.

Mr. McEwen presented information from the Alabama State Board of Prosthetists and Orthotists regarding exemptions in response to Medicare requesting verification that the HME Board considers O&P practitioners as exempt healthcare practitioners. The Board reviewed previous communications from the Board's Legal Counsel to the O&P's Counsel. The Board agreed that the Board's statute would need to be modified if full exemption was given for O&P's, rather than a case-by-case review based on the variations in their practice. Chairperson Wells asked the Executive Director to follow-up with the O&P Board about clarifying whether they are tying an individual to a facility, since the HME Board exemption applies to facilities and not individuals.

Chairperson Wells reported that she had received a response from State Purchasing regarding the Board's desire to inquire further with TAG about firm management and working knowledge of healthcare laws as indicated in Part VI of the bid specifications. After reading the response out loud, the Board was advised that by requesting additional information, they were adding to the bid specifications, which was not allowed.

The Board continued to review the TAG bid and Mr. J. Jones made the motion to deny the bid from TAG based on no mention of information to support a working knowledge of the laws affecting health related state boards in Alabama. The motion was seconded by Mr. Alvarez and was unanimously passed by the Board. Chairperson Wells indicated that she would write a letter to the State Purchasing notifying them of the Board's decision.

Chairperson Wells called a recess of the Board at 12:12 p.m. for 5 minutes  
Chairperson Wells reconvened the Board meeting at 12:18 p.m.

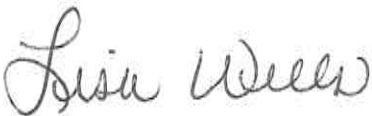


The Board reviewed the next bid received in response to the Administrative Services request for bids from Warren & Company, Inc. (WC). Chairperson Wells recommended the same steps be followed in reviewing the bid. WC's response to Part VI of the bid specifications was reviewed closely and discussed by the Board. Mr. Alvarez made the motion to deny the bid from WC based on no mention of information to support a working knowledge of the laws affecting health related state boards in Alabama. The motion was seconded by Mr. Crenshaw. The motion passed by majority vote of the members with Mr. Beard abstaining from vote. Chairperson Wells indicated that she would notify State Purchasing of the Board's decision and inquire about the next steps in the bid process.

Chairperson Wells announced that the next regular meeting of the Board was scheduled on Tuesday, April 21, 2020 at 10:00 a.m.

There being no further business of the Board, Mr. J. Jones made the motion to adjourn the meeting. The motion was seconded by Mr. Alvarez and unanimously passed by the Board. Chairperson Wells adjourned the meeting at 12:55 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lisa Wells".

Lisa Wells  
Board Chair

*/RReames, recording secretary*