

WHAT THIS BILL DOES – SB 216

Sponsor: Senator Greg Reed

Purpose: Housekeeping Legislation for the Alabama Board of Home Medical Equipment Services Providers

After completing several audits and disciplinary proceedings, the Board, Legal Counsel, and the Examiners of Public Accounts have pinpointed weaknesses in the enabling statute of the Board. Many powers that are common to most regulatory boards were not written in the original legislation and this bill will correct these oversights. These powers include injunctive relief, criminal penalty, and common violations of regulatory laws. These are standard regulatory tools which will greatly assist the Home Medical Equipment Board in accomplishing its' mission to protect the public. We ask for your support.

The proposed legislation consists of the following amendments:

- **Update Language and Grammar** – Change the official name of the Board from, “The Board of Home Medical Equipment Services Providers” to “The Board of Home Medical Equipment”; minor language and grammatical updates that do not change enforcement, but corrects appropriately; and authorize the Board to employ staff, and adopt a seal.
- **Board Appointments further defined** - Terms of office to end on the anniversary date of the original appointment with Board Members holding office until successor is appointed by the Governor; vacancies to be filled for the unexpired term; Board members to be immune from liability; and a Board Member may be removed at the request of the Board for failing to attend three consecutive, properly noticed meetings.
- **Provide for Fees to cover costs & late renewals** – Establish and charge reasonable fees relating to administrative costs for copies, mailing and filing services or other fees necessary to offset licensing and processing costs; and provide for a late renewal fee and define renewal and late renewal window.
- **Provide Rule Making Authority** – for establishing requirements for out of state licenses and defining mail order companies.
- **Appeals Court defined** – Provide for appeals to be heard in Montgomery Circuit Court.
- **Define Consent Orders** – Authorize the Board to resolve by agreement purported violations with or without filing a formal administrative notice and opportunity for hearing (with consent of the respondent).
- **Provide for a Criminal Penalty** – Any such person or entity violating the provisions of this chapter shall, upon conviction, be guilty of a Class A misdemeanor, subject to a fine or imprisonment, or both.
- **Provide for Injunctive Relief** – The Board may seek an injunction against any person or entity in violation and the Board may demand and recover a civil penalty of \$50 per day for each violation, reasonable attorney fees and court costs.
- **Violations further defined** – The Board may deny, revoke or suspend a license on any of the following grounds: conviction of a felony, criminal offense, ethical standard of the Board, fraud in obtaining a license, violation of any Board Rule and Regulation, making fraudulent representations, business practices that are harmful to the public, falsifying records, failure to cooperate with an investigation or inspection, and failure to report a change of name, address, or ownership within 30 days.