

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. \_\_\_\_\_ Department or Agency The Board of Home Medical Equipment

Rule No. 473-X-2-.01

Rule Title: Employees; Oath; Meeting; Powers

\_\_\_\_\_ New  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

\*\*\*\*\*

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

**Certification of Authorized Official**

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Brandy L. Benham

Date 4-23-14

APA-2  
07/04

**Board of Home Medical Equipment**

**NOTICE OF INTENDED ACTION**

---

**AGENCY NAME:**

Board of Home Medical Equipment

**RULE NO. & TITLE:**

473-X-2-.01 Employees; Oath; Meeting; Powers

**INTENDED ACTION:**

To amend Rules and Regulations.

**SUBSTANCE OF PROPOSED ACTION:**

The Board of Home Medical Equipment proposes to adopt an Administrative Code or Rules and Regulations under which to operate.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

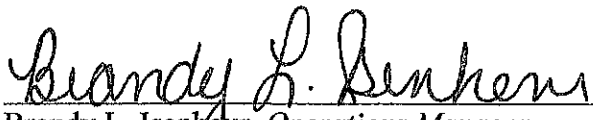
Written comments, views, or arguments will be received by the Board of Home Medical Equipment until 4:30 p.m. on July 3, 2014. Comments should be directed to Paula McCaleb, Executive Director, at Post Office Box 240636, Montgomery, AL 36124-0636, or via fax at 334-215-3457.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

July 3, 2014

**CONTACT PERSON AT AGENCY:**

Brandy L. Isenhour  
334.215.3474

  
Brandy L. Isenhour, Operations Manager

**473-X-2-.01. Employees; Oath; Meeting; Powers.**

(1) The Board may employ an executive director, attorney, experts, and other ~~personnel employees~~ as it may from time to time find necessary, for the proper performance of its duties, and for whom necessary funds are appropriated.

---

(2) Before entering public duties of the office, the members of the Bboard shall take the constitutional oath of office.

(3) The Board shall elect, at the first meeting following October 1st each year, a Chair and a Vice Chair. The Bboard shall hold at least two meetings each year. Additional meetings may be held at the discretion of the Chair or upon the written request of any three members of the Bboard. ~~Five~~ A majority of the currently appointed members of the Bboard shall constitute a quorum.

(4) The Bboard shall inspect and pass on the qualifications of applicants and shall issue a license to each successful applicant.

(5) The Bboard may authorize expenditures as necessary to carry out its duties from the fees that it collects, pursuant to a budget developed and ~~approved~~ adopted by the Bboard ~~and appropriated by the legislature~~. In no event shall the expenditures exceed the revenues of the Bboard during any fiscal year.

(6) The Board may reimburse Board ~~m~~Members for attorney fees incurred if individual members of the Board are personally sued under the Open Meetings Act. Absent negligence, recklessness, wantonness, or deliberate misconduct, members of the Board are immune from liability for all good faith acts performed in the exercise of their duties as members of the Board.

**HISTORY:**

**New Rule:** Filed July 20, 2001; effective August 24, 2001. **Amended:** Filed May 1, 2006; effective June 5, 2006.  
**Amended:** Filed July 21, 2010; effective August 25, 2010.