

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-5-.01

Rule Title: Ethics

_____ New X 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

Brendy L. Benham

Date

4-23-14

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07/04

Board of Home Medical Equipment

NOTICE OF INTENDED ACTION

AGENCY NAME:

Board of Home Medical Equipment

RULE NO. & TITLE:

473-X-5-.01 Ethics

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-5-.01. Ethics.

(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.

(2) Dishonorable, unethical or unprofessional conduct within the meaning of Section 34-14C-6(e)(9), Code of Ala., 1975, is interpreted to include, but is not limited to, the following acts or practices:

(a) Practicing, condoning, facilitating or collaborating with any form of discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

(b) Failing to offer all facts regarding services or equipment to the consumer prior to administration of services (such as proper use and maintenance of equipment, warranty information, etc.). Patients and caregivers shall be informed of their rights and obligations regarding the sale, rental, and service of home medical equipment.

(c) Failing to protect the privacy of patient information and disclosing such information without proper authorization, except as required by law.

(d) Performing or allowing employees to perform professional services beyond their scope of practice and competency.

(e) Failing to establish and maintain client records.

(f) Intentional submission of fraudulent claims for services to any person or entity, including, but not limited to, health insurance companies or health service plans or third party payors.

(g) Failure to abide by federal and local laws and regulations governing the home medical equipment industry.

(h) Participating, directly or indirectly, with a source of patient referrals, in any arrangement which interferes with a consumer's right to choose a home medical equipment supplier.

HISTORY:

New Rule: Filed July 20, 2001; effective August 24, 2001. **Amended:** Filed May 1, 2006; effective June 5, 2006. **Amended:** Filed July 17, 2008; effective August 21, 2008.