

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Home Medical Equipment

Rule No.: 473-X-4-.01

Rule Title: Inspection Standards

_____ 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 [Handwritten Signature]

Date: April 20, 2016

(DATE FILED)
(STAMP)

Alabama Board of Home Medical Equipment

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Home Medical Equipment

RULE NO. & TITLE: 473-X-4-.01 Inspection Standards

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to clarify inspection standards for inspection of home medical equipment provider facilities.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Thursday, June 3, 2016. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@alstateboard.com or via telephone at 334-215-3474.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Thursday, June 3, 2016.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7235



Keith E. Warren, *Executive Director*
Alabama Board of Home Medical Equipment

473-X-4-.01. Inspection Standards.

~~(1) The Board hereby incorporates the Centers for Medicare and Medicaid Services (CMS) Medicare Durable Medical Equipment Provider of Service (DMEPOS) Supplier Standards as additional requirements with which all applicants must comply for licensure; provided, however, the Board does not incorporate the requirement for accreditation as an additional requirements with which applicants for licensure must comply. Permit Alabama Board of Home Medical Equipment, or its agents, to conduct random on-site inspections to ascertain compliance with rules, regulations and standards.~~

(2) A Home Medical Equipment Services Provider shall maintain a physical facility on an appropriate site. The facility must contain space for storing business records, including the supplier's delivery, maintenance, and patient records. For purposes of this rule, a residence, post office box or commercial mailbox is not considered a physical facility.

~~(3) A Home Medical Equipment Services Provider must maintain a primary business telephone listed under the name of the business in a local directory or a toll free number available through directory assistance. The exclusive use of a beeper, answering machine, answering service, or cell phone during posted business hours is prohibited. at the physical facility. This telephone number must be listed under the name of the business and in the business section of the local telephone company directory. The exclusive use of a pager number, call forwarding, answering service, cell phone, or answering machine may not be used as the primary business telephone.~~

(4) The physical facility must be staffed during normal business hours, and must have a visible sign with the name of the business, business hours, and the phone number required by paragraph (3).

(5) Medical equipment shall be maintained in a clean and sanitary condition and stored in a dry, well-ventilated area. Routine maintenance, preventative maintenance, and repairs shall be performed according to manufacturer's guidelines. The home medical equipment services provider shall provide consumer instruction regarding the use of home medical equipment requiring services. Delivery services include transportation of equipment to and from consumer, equipment setup, and record keeping.

(6) Records shall be maintained to the same extent as required by federal regulations, including, but not limited to, any physician orders, certificates of medical necessity, signed and dated delivery slips, documentation of all services, equipment, and maintenance received, and other information as appropriate for the equipment provided.

(7) License applicants who, upon initial inspection, are found not to comply with applicable licensing standards, shall be notified by the Board office of the areas of noncompliance and shall be re-inspected for compliance upon application and payment of a re-inspection fee of no more than three hundred dollars (\$300), as established by the Board.

(8) The Board may conduct random inspections upon the filing of a complaint, application for renewal of a license, for cause, and as otherwise necessary to ensure the integrity and effectiveness of the licensing process. Licensees who fail to pass an inspection related to the filing of a complaint, for cause, upon an application for license renewal or for any other cause must cease and desist their operations upon receipt of written notice of failure to pass inspection until they have come into compliance with all applicable standards, unless the Board negotiates a plan for compliance with the licensee and conducts a further inspection for compliance at a time to be determined by the Board. Licensees subject to re-inspection will be required to remit an additional re-inspection fee of two hundred and fifty dollars (\$250).

(9) Upon notice of failure to pass inspection, an applicant or licensee shall have thirty (30) days to appeal the inspection results, or be subject to penalties pursuant to Section 34-14C-6, Code of Ala., 1975. Upon appeal, a provider shall have the right to an inspection review or a new inspection, in accordance with Rule 473-X-7-.01.

(10) Fill orders from its own inventory or contract with other companies for the purchase of items necessary to fill orders.

(11) Maintain all applicable City, County, State Business Licenses and all other applicable licensure as required (i.e. State Board of Pharmacy Oxygen Permit).

(12) If licensee supplies oxygen, mechanical ventilation, or other life sustaining equipment; maintain after hours service necessary to avert an immediate threat to consumers health or safety. Ensure that patients are made aware of service hours and emergency service procedures.

HISTORY:

Author: *The Alabama Board of Home Medical Equipment*

Statutory Authority: Code of Alabama, 1975 §34-14C1 thru §34-14C8, Act #2000-739, HB 419 of the 2000 Regular Session.

Filed: July 9, 2014 **Effective Date:** August 13, 2014