

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-13-.01

Rule Title: Supplies, Appliances, and Durable Medical Equipment-General

 New Rule; X Amend; Repeal; Adoption by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? no

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 any 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: Stephanie Lindsay

Date: 2/20/2014

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ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-13-.01. Supplies, Appliances and Durable Medical Equipment-General.

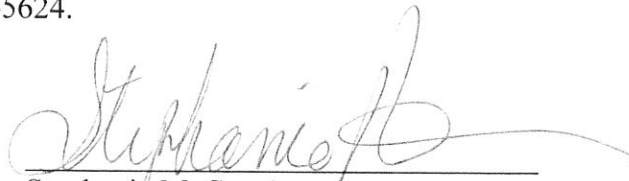
INTENDED ACTION: Amend 560-X-13-.01

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being amended to require providers of all appliances and standard durable medical equipment to have a provider's warranty of a minimum of one year; this may include the manufacturer's warranty.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than April 4, 2014.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624.



Stephanie McGee Azar
Acting Commissioner

Rule No. 560-X-13-.01. Supplies, Appliances, and Durable Medical Equipment - General.

(1) Effective July 1, 1978, supplies, appliances, and durable medical equipment are available as Medicaid program benefits to Medicaid eligibles of any age living at home.

(2) The covered medical supplies, appliances, and durable medical equipment are for medical therapeutic purposes, must be ordered by the attending physician in connection with his plan of treatment, and the items will minimize the necessity for hospitalization, nursing home, or other institutional care.

(3) A recipient does not have to be a Home Health Care patient in order to avail herself/himself of this program.

(4) The provider is responsible for educating the recipient in the use of the equipment. The provider is also responsible for delivery and set up of the equipment.

(5) All appliances and standard durable medical equipment must have a provider's warranty of a minimum of one year; this may include the manufacturer's warranty. Failure to provide a warranty and/or to repair appliances/equipment during the warranty period may result in corrective action including but not limited to provider education and/or termination of the provider's DME contract. The warranty begins on the date of delivery (date of service) to the recipient.

(a) Repairs and/or replacement of parts, after the first year the appliance/equipment is issued, require Prior Authorization (PA) unless otherwise specified by the Agency.

(b) A provider's failure to go through the process of obtaining prior authorization for repairs and/or replacement does not by itself constitute a non-covered service.

(56) Standard supplies, appliances, and durable medical equipment covered by Medicaid are listed in Chapter 14 of the Alabama Medicaid Provider Manual. Medical equipment, supplies, and appliances not listed as covered services in Chapter 14 of the Alabama Medicaid Provider Manual may be requested for coverage by submitting the request to the Clinical Services & Support Division for review and consideration. It will be the provider's responsibility to supply Medicaid with the necessary medical documentation which justifies the need of the requested items.

(67) Requests for items that are covered by Medicaid which are outside the normal benefit limits, due to damage beyond repair or other extenuating circumstances must be submitted to the Clinical Services & Support Division for review and consideration. It will be the provider's responsibility to supply Medicaid with the necessary documentation which justifies the need for the requested items.

(78) The provider may not bill the recipient for an item for which a prior authorization (PA) has been denied due to provider error or the provider's failure to submit the necessary medical documentation for the PA request.

Author: Bakeba R. Thomas, Administrator, Pharmacy/DME Unit.

Statutory Authority: State Plan; 42 CFR Section 440.70; and Title XIX, Social Security Act.

History: Rule effective October 1, 1982. Amended November 11, 1985, March 10, 1997, July 9, 1997, September 15, 2004. Amended: Filed May 11, 2012; effective June 15, 2012.

Amended: Filed February 20, 2014.