

APA1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Board of Home Medical Equipment Services Providers

Rule Number and Title: 473-X-3-.02 In- State Location Requirements

X 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. Iserhour
Brandy L. Iserhour, Operations Manager 215-3474

Date: September 17, 2014

(DATE FILED)
(STAMP)

APA2

Alabama Board of Home Medical Equipment Services Providers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Home Medical Equipment Services Providers

RULE NO. & TITLE:

473-X-3-.02, In-State Location Requirements

INTENDED ACTION:

To add new Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Home Medical Equipment Services Providers 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 Alabama Board of Home Medical Equipment Services Providers until 4:30 p.m. on November 6, 2014. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240636, Montgomery, AL 36124-0636, or via fax at 334-215-3457.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 6, 2014

CONTACT PERSON AT AGENCY:

Brandy L. Isenhour
334/215-3474



Brandy L. Isenhour, Operations Manager
(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

473-X-3-.02 In-State Location Requirements.

- (1) On March 11, 2014, Governor Bentley signed Alabama Act 2014-172 (the "Act") into law, which amended ALA. CODE § 34-14C-4(a) (1975 as amended) to require each provider of home medical equipment services with a principal place of business outside the state of Alabama, not otherwise exempted from licensure pursuant to ALA. CODE § 34-14C-5, to maintain at least one physical location within the state, each of which must be licensed by the Board of Home Medical Equipment. By its terms, the Act became effective on June 1, 2014. Previous to the passage of the Act, out of state home medical equipment services providers were not required to maintain a physical location within the state, but were only required to provide a physical location meeting the requirements of Rule 473-X-4-.01, and be subject to inspection by the Board.

- (2) A provider of home medical equipment that has a principal place of business outside this state and has established a licensed, instate location may provide home medical equipment and services to its Alabama customers through any corporate branch or location, including an out of state location that is not otherwise eligible for an exemption from licensure pursuant to ALA. CODE § 34-14C-5, as permitted under the CMS DMEPOS Supplier Standards and applicable regulations. For purposes of this rule, a corporate branch or location does not include a corporate subsidiary or affiliate that would itself require a license from this Board; the branch or location should be a provider of home medical equipment services that is duly licensed in accordance with applicable law in the state in which it is located. The ownership of the provider's licensed instate location, as defined in Rule 473-X-3-.01(7)(h), will be responsible to the Board for any equipment or services provided to the customer by any other corporate branch or location.

Author: Alabama Board of Home Medical Equipment
Statutory Authority: § 34-14C-4, Code of Alabama (1975)