

1 HB275
2 174431-1
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 23-FEB-16

2
3
4
5
6
7
8 SYNOPSIS: This bill would specify that for purposes of
9 municipal or county business licenses, a qualified
10 home health care or hospice agency or a qualified
11 provider of durable medical equipment, prosthetics,
12 orthotics, or health care supplies would only be
13 required to purchase a municipal or county business
14 license for its headquarters or any branch office
15 that it maintains within the state. In addition, a
16 health care employee or other agent or
17 representative of a qualified home health care or
18 hospice agency or a qualified provider of durable
19 medical equipment, prosthetics, orthotics, or
20 health care supplies would not be required to
21 purchase a business license from a municipality or
22 county or its agent, including a private auditing
23 firm, merely because the person visits a patient
24 whose residence or the health care facility in
25 which they are being treated is located within that
26 municipality or county or furnishes equipment or

1 health care supplies within the municipality or
2 county.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 To specify that for purposes of municipal or county
9 business licenses, a qualified provider that is a qualified
10 home health care or hospice agency or a qualified provider of
11 durable medical equipment, prosthetics, orthotics, or health
12 care supplies would only be required to purchase a municipal
13 or county business license for its headquarters or any branch
14 office that it maintains within the state; to further provide
15 that a qualified provider or a health care employee or other
16 agent or representative of a qualified provider would not be
17 required to purchase a business license from a municipality or
18 county or its agent, including a private auditing firm, merely
19 because the person visits a patient whose residence or the
20 health care facility in which they are being treated is
21 located within that municipality or county or because
22 equipment or health care supplies are furnished within the
23 municipality or county; to provide that a qualified provider
24 that provides a service or product reimbursed by Medicare,
25 Medicaid, or a health benefit plan would not be required to
26 purchase certain county or municipal licenses except where its

1 headquarters or a branch office is located, and for this
2 purpose to add Section 11-51-90.4 to the Code of Alabama 1975.
3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 11-51-90.4 is added to the Code
5 of Alabama 1975, to read as follows:

6 §11-51-90.4

7 (a) As used in this section, the term "qualified
8 provider" means a qualified home health care or hospice agency
9 or a qualified provider of durable medical equipment,
10 prosthetics, orthotics, or health care supplies which is a
11 corporation, limited liability company, or other business or
12 nonprofit entity that provides either home health care or
13 hospice services or durable medical equipment, prosthetics,
14 orthotics, or health care supplies in this state and is
15 licensed by the Alabama Board of Home Medical Equipment or by
16 the Alabama State Board of Prosthetists and Orthotists, or
17 holds a certificate of need issued by the State Health
18 Planning and Development Agency, or its successor, or is
19 exempt by law or administrative rule or ruling from the
20 requirement to obtain a certificate of need.

21 (b) Notwithstanding anything in this chapter to the
22 contrary, a qualified provider shall be required to purchase a
23 municipal or county business license only from the
24 municipality and county where it maintains its headquarters
25 office and from a municipality and county where it maintains a
26 branch office or from the agent, including a private auditing
27 firm, of the municipality.

1 (c) Notwithstanding anything in this chapter to the
2 contrary, a qualified provider or health care employee or
3 other agent or representative of a qualified provider shall
4 not be required to purchase a municipal or county business or
5 privilege license or otherwise be liable for a municipal or
6 county business or privilege license tax or similar fee,
7 including any delivery license or fee, on account of one or
8 more service visits to a patient of the agency at his or her
9 residence or one or more visits to a patient at a health care
10 facility or other facility where the patient resides, whether
11 temporarily or indefinitely, or because durable medical
12 equipment or prosthetics or orthotics or health care supplies
13 are delivered or furnished to a patient.

14 (d) A qualified provider as defined in subsection
15 (a) shall not be required to purchase any county or municipal
16 license or pay any county or municipal license fee from or to
17 any county or municipality, except where it maintains its
18 headquarters office or where it maintains a branch office, for
19 the delivery of any service or product which is reimbursed in
20 whole or in part by Medicare, Medicaid, or other third party
21 payer including, but not limited to, a health benefit plan,
22 health insurance, workers' compensation, or similar third
23 party payer.

24 Section 2. All laws or parts of laws which conflict
25 with this act are repealed.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.