

1 SB237
2 164463-3
3 By Senators Waggoner and Glover
4 RFD: Health and Human Services
5 First Read: 17-MAR-15

2
3
4
5
6
7
8 SYNOPSIS: This bill would specify that for purposes of
9 the municipal or county business licenses, a
10 qualified home health care or hospice agency or a
11 qualified provider of durable medical equipment,
12 prosthetics, orthotics, or health care supplies
13 would only be required to purchase a municipal or
14 county business license for its headquarters or any
15 branch office that it maintains within the state.
16 In addition, a health care employee or other agent
17 or representative of a qualified home health care
18 or hospice agency or a qualified provider of
19 durable medical equipment, prosthetics, orthotics,
20 or 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 the municipal or
9 county business licenses, a qualified home health care or
10 hospice agency or a qualified provider of durable medical
11 equipment, prosthetics, orthotics, or health care supplies
12 would only be required to purchase a municipal or county
13 business license for its headquarters or any branch office
14 that it maintains within the state; to further provide that a
15 health care employee or other agent or representative of a
16 qualified home health care or hospice agency or a qualified
17 provider of durable medical equipment, prosthetics, orthotics,
18 or health care supplies would not be required to purchase a
19 business license from a municipality or county or its agent,
20 including a private auditing firm, merely because the person
21 visits a patient whose residence or the health care facility
22 in which they are being treated is located within that
23 municipality or county or because equipment or health care
24 supplies are furnished within the municipality or county; and
25 for this purpose to add Section 11-51-90.3 to the Code of
26 Alabama 1975.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 11-51-90.3 is added to the Code
2 of Alabama 1975, to read as follows:

3 §11-51-90.3.

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

16 (b) Notwithstanding anything in Chapter 51 of Title
17 11 to the contrary, a qualified home health care or hospice
18 agency or a qualified provider of durable medical equipment,
19 prosthetics, orthotics, or health care supplies shall be
20 required to purchase a municipal or county business license
21 only from the municipality or county where it maintains its
22 headquarters office and from each municipality or county where
23 it maintains a branch office or from the agent, including a
24 private auditing firm, of the municipality.

25 (c) Notwithstanding anything in Chapter 51 of Title
26 11 to the contrary, no health care employee or other agent or
27 representative of a qualified home health care or hospice

1 agency or a qualified provider of durable medical equipment,
2 prosthetics, orthotics, or health care supplies shall be
3 required to purchase a municipal or county business or
4 privilege license or otherwise be liable for a municipal or
5 county business or privilege license tax or similar fee on
6 account of one or more service visits to a patient of the
7 agency at his or her residence or one or more visits to a
8 patient at a health care facility or other facility where the
9 patient resides, whether temporarily or indefinitely, or
10 because durable medical equipment or prosthetics or orthotics
11 or health care supplies are delivered or furnished to a
12 patient.

13 Section 2. All laws or parts of laws which conflict
14 with this act are repealed.

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