

1 SB341  
2 166960-3  
3 By Senator McClendon  
4 RFD: Health and Human Services  
5 First Read: 07-APR-15

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8 SYNOPSIS: Under existing law, the Board of Home  
9 Medical Equipment Services Providers licenses home  
10 medical equipment providers.

11 This bill would specify that a provider of  
12 home medical equipment or services that  
13 manufactures or distributes its own company-branded  
14 insulin infusion pumps or continuous glucose  
15 monitors and related supplies would be exempt from  
16 licensure.

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18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 To amend Section 34-14C-5, as amended by Act  
23 2014-172, 2014 Regular Session, Code of Alabama 1975, relating  
24 to the licensure of home medical equipment services providers;  
25 to exempt certain providers of insulin infusion pumps or  
26 continuous glucose monitors and related supplies.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 34-14C-5, as amended by Act  
2           2014-172, 2014 Regular Session, Code of Alabama 1975, is  
3           amended to read as follows:

4           "§34-14C-5.

5           "The licensure requirements of this chapter do not  
6           apply to the following entities or practitioners:

7           "(1) Home health agencies certified by the State of  
8           Alabama to participate in the Medicare and Medicaid programs.

9           "(2) Hospital based home medical equipment services,  
10          whether or not the services are provided through a separate  
11          corporation or other business entity.

12          "(3) Health care practitioners legally eligible to  
13          order or prescribe home medical equipment, or who use home  
14          medical equipment to treat patients in locations other than  
15          the patient's residence, including, but not limited to,  
16          physicians, nurses, physical therapists, respiratory  
17          therapists, speech therapists, occupational therapists,  
18          optometrists, chiropractors, and podiatrists, except for those  
19          practitioners, other than a licensed physician practicing  
20          medicine, who provide home medical equipment services in a  
21          patient's residence.

22          "Nothing in this chapter shall be construed as  
23          prohibiting or restricting a licensed physician who is  
24          practicing medicine, nor shall anything in this chapter be  
25          construed as requiring a physician practicing medicine, to be  
26          licensed as a home medical equipment services provider.

1           "(4) Manufacturers and wholesale distributors, when  
2 not selling directly to a patient.

3           "(5) Retail community pharmacies, including  
4 providers of home infusion therapy services.

5           "(6) Hospice programs, except programs which provide  
6 home medical equipment services, including delivery to a  
7 patient's residence.

8           "(7) Skilled nursing facilities, except facilities  
9 which provide home medical equipment services, including  
10 delivery to a patient's residence.

11           "(8) Governmental agencies, including fire districts  
12 which provide emergency medical services, and contractors to  
13 governmental agencies whose business deals only with the  
14 contracted agency.

15           "(9) Mail order companies, as defined by rule of the  
16 board.

17           "(10) A provider of home medical equipment or  
18 services that manufactures or distributes or manufactures and  
19 distributes its own company-branded insulin infusion pumps or  
20 continuous glucose monitors and related supplies."

21           Section 2. This act shall become effective on the  
22 first day of the third month following its passage and  
23 approval by the Governor, or its otherwise becoming law.