

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. \_\_\_\_\_ Department or Agency The Board of Home Medical Equipment

Rule No. 473-X-4-01

Rule Title: Inspection Standards

\_\_\_\_\_ New X 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

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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.

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**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 K. Benhew  
Date 4-23-14

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07/04

**Board of Home Medical Equipment**

**NOTICE OF INTENDED ACTION**

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**AGENCY NAME:**

Board of Home Medical Equipment

**RULE NO. & TITLE:**

473-X-4-.01 Inspection Standards

**INTENDED ACTION:**

To amend Rules and Regulations.

**SUBSTANCE OF PROPOSED ACTION:**

The Board of Home Medical Equipment proposes to adopt an Administrative Code or Rules and Regulations under which to operate.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

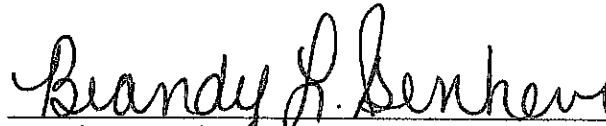
Written comments, views, or arguments will be received by the Board of Home Medical Equipment until 4:30 p.m. on July 3, 2014. Comments should be directed to Paula McCaleb, Executive Director, at Post Office Box 240636, Montgomery, AL 36124-0636, or via fax at 334-215-3457.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

July 3, 2014

**CONTACT PERSON AT AGENCY:**

Brandy L. Isenhour  
334.215.3474

  
Brandy L. Isenhour, *Operations Manager*

**473-X-4-.01. Inspection Standards.**

(1) The Board hereby incorporates the Centers for Medicare and Medicaid Services (CMS) Medicare Durable Medical Equipment Provider of Service (DMEPOS) Supplier Standards as additional requirements with which all applicants must comply for licensure; provided, however, the Board does not incorporate the requirement for accreditation as an additional requirements with which applicants for licensure must comply.

(2) A Home Medical Equipment Services Provider shall maintain a physical facility on an appropriate site. The facility must contain space for storing business records, including the supplier's delivery, maintenance, and patient records. For purposes of this rule, a residence, post office box or commercial mailbox is not considered a physical facility.

(3) A Home Medical Equipment Services Provider must maintain a primary business telephone at the physical facility. This telephone number must be listed under the name of the business and in the business section of the local telephone company directory. The exclusive use of a pager number, call forwarding, answering service, cell phone, or answering machine may not be used as the primary business telephone.

(4) The physical facility must be staffed during normal business hours, and must have a visible sign with the name of the business, business hours, and the phone number required by paragraph (3e).

(5) Medical equipment shall be maintained in a clean and sanitary condition and stored in a dry, well-ventilated area. Routine maintenance, preventative maintenance, and repairs shall be performed according to manufacturer's guidelines. The home medical equipment services provider shall provide consumer instruction regarding the use of home medical equipment requiring services. ~~Out of State providers shall also provide sufficient contact information in writing, including, but not limited to, a toll free telephone number, physical address and hours of operation, meeting the requirements of paragraphs (3) and (4) above, to all consumers may obtain repairs, supplies and other services required to maintain or use the home medical equipment.~~ Delivery services include transportation of equipment to and from consumer, equipment setup, and record keeping.

(6) Records shall be maintained to the same extent as required by federal regulations, ~~that including~~, but not limited to; any physician orders, certificates of medical necessity, signed and dated delivery slips, documentation of all services, equipment, and maintenance received, and other information as appropriate for the equipment provided.

~~(7) Out of State applicants are required to pay for non-refundable travel expenses directly incurred by an inspection in addition to the inspection fee prior to an inspection being scheduled.~~

~~(8) Applicants who have passed the site inspection will have sixty (60) days from the date of written notification of approval to submit the license fee, or the application and all related fees will be forfeited.~~

(7) License applicants who, upon initial inspection, are found not to comply with applicable licensing standards, shall be notified by the Board office of the areas of noncompliance and shall be re-inspected for compliance upon

application and payment of a re-inspection fee of no more than three hundred dollars (\$300), as established by the Board.

(98) The Board may conduct random inspections upon the filing of a complaint, application for renewal of a license, for cause, and as otherwise necessary to ensure the integrity and effectiveness of the licensing process. Licensees who fail to pass an inspection related to upon the filing issuance of a complaint, for cause, upon an application for license renewal or for any other cause must cease and desist their operations upon receipt of written notice of failure to pass inspection until they have come into compliance with all applicable standards, unless the Board negotiates a plan for compliance with the licensee and conducts a further inspection for compliance at a time to be determined by the Board. The licensees subject to re-inspection will be required to remit an additional re-inspection fee of two hundred and fifty dollars (\$250) to cover the board's expenses in conducting the re-inspection to determine compliance.

(9) Upon notice of failure to pass inspection, an applicant or licensee shall have thirty (30) days to appeal the inspection results, or be subject to penalties pursuant to Section 34-14C-6, Code of Ala., 1975. Upon appeal, a provider shall have the right to an inspection review or a new inspection, in accordance with Rule 473-X-7-.01.

#### HISTORY:

**New Rule:** Filed July 20, 2001; effective August 24, 2001. **Amended:** Filed January 7, 2004; effective February 11, 2004. **Amended:** Filed July 10, 2006; effective August 14, 2006. **Amended:** Filed July 17, 2008; effective August 21, 2008. **Amended:** Filed October 6, 2009; effective November 10, 2009.