

Final Rule

LSA Document #05-139(F)

DIGEST

Adds [856 IAC 1-39](#) to implement rules based on Senate Enrolled Act 206 (P.L.122-2005) to establish the definitions, requirements for the licensure of home medical equipment services providers, license renewal requirements, fees including fees for the application, issuance, and renewal of license, and standards regarding the safety and quality of home medical equipment services. Effective 30 days after filing with the Secretary of State.

[856 IAC 1-39](#)

SECTION 1. [856 IAC 1-39](#) IS ADDED TO READ AS FOLLOWS:

Rule 39. Home Medical Equipment Service Providers

[856 IAC 1-39-1](#) "Board" defined

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21-1](#)

Sec. 1. As used in this rule, "board" has the meaning set forth in [IC 25-26-21-1](#).

(Indiana Board of Pharmacy; [856 IAC 1-39-1](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-2](#) "DMEPOS" defined

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 2. As used in this rule, "DMEPOS" means durable medical equipment, prosthetics, orthotics, and supplies.

(Indiana Board of Pharmacy; [856 IAC 1-39-2](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-3](#) "Home medical equipment" defined

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21-2](#)

Sec. 3. As used in this rule, "home medical equipment" has the meaning set forth in [IC 25-26-21-2](#). The term also includes the following:

- (1) Continuous passive motion (CPM) machines.
- (2) Patient lift devices.
- (3) Defibrillators.
- (4) Manual wheelchairs.
- (5) Hospital bed accessories.
- (6) Electronically controlled or computerized wheel chairs and seating systems that are sold.

(Indiana Board of Pharmacy; [856 IAC 1-39-3](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-4](#) "Home medical equipment services" defined

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21-3](#)

Sec. 4. As used in this rule, "home medical equipment services" has the meaning set forth in [IC 25-26-21-3](#).

(Indiana Board of Pharmacy; [856 IAC 1-39-4](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-5](#) "Licensee" defined

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 5. As used in this rule, "licensee" means the holder of a home medical equipment service provider license issued under [IC 25-26-21](#) and this title.

(Indiana Board of Pharmacy; [856 IAC 1-39-5](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-6](#) "Provider" defined

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21-4](#)

Sec. 6. As used in this rule, "provider" has the meaning set forth in [IC 25-26-21-4](#).

(Indiana Board of Pharmacy; [856 IAC 1-39-6](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-7](#) Fees

Authority: [IC 25-1-8-2](#); [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 7. (a) The fee for an original licensure application shall be:

- (1) one hundred fifty dollars (\$150); and
- (2) paid at the time of filing the initial application.

(b) The fee for a biennial renewal shall be:

- (1) two hundred dollars (\$200); and
- (2) paid at the time of license renewal.

(Indiana Board of Pharmacy; [856 IAC 1-39-7](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-8](#) Renewal

Authority: [IC 25-1-8-2](#); [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 8. Home medical equipment service provider licenses shall expire on December 31 of each odd-numbered year.

(Indiana Board of Pharmacy; [856 IAC 1-39-8](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-9](#) Proof of insurance

Authority: [IC 25-1-8-2](#); [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 9. Before being issued a license, each home medical equipment service provider shall obtain and maintain comprehensive business and liability insurance, consistent with minimum Medicare DMEPOS Supplier Standards.

(Indiana Board of Pharmacy; [856 IAC 1-39-9](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-10](#) Oxygen and related respiratory services

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#); [IC 25-34.5](#)

Sec. 10. In order to provide oxygen and related respiratory services, each licensee shall employ or contract with:

- (1) a respiratory care practitioner licensed under [IC 25-34.5](#); or
- (2) another duly licensed health professional with education and training in oxygen and related respiratory services.

(Indiana Board of Pharmacy; [856 IAC 1-39-10](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-11](#) Training

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 11. (a) Each licensee shall conduct and document training for each employee:

- (1) at the time of hire; and
- (2) annually.

(b) Documentation of training shall be readily available for inspection.

(c) Training programs:

- (1) shall be conducted according to industry standards; and
- (2) may be subject to board approval.

(Indiana Board of Pharmacy; [856 IAC 1-39-11](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-12](#) Patient records

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 12. Each licensee shall maintain patient records, relevant to services rendered, in accordance with state and federal guidelines.

(Indiana Board of Pharmacy; [856 IAC 1-39-12](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-13](#) Equipment maintenance

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 13. Each licensee shall maintain documentation of the maintenance of equipment according to industry standards.

(Indiana Board of Pharmacy; [856 IAC 1-39-13](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-14](#) Personnel policies and procedures

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 14. Each licensee shall maintain employee personnel records and policies consistent with the following:

- (1) The scope of services provided.
- (2) State and federal requirements.

(Indiana Board of Pharmacy; [856 IAC 1-39-14](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-15](#) Safety and quality of home medical equipment services

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 15. Each licensee shall:

- (1) clean;
- (2) repair;
- (3) store;
- (4) segregate; and
- (5) identify;

all equipment in a manner that makes the equipment safe for use by the public, according to industry standards.

(Indiana Board of Pharmacy; [856 IAC 1-39-15](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-16](#) Licenses

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 16. Each licensee shall ensure that each employee is appropriately licensed or credentialed, or both, for the services provided.

(Indiana Board of Pharmacy; [856 IAC 1-39-16](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-17](#) Physical location

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 17. Each licensee shall have a physical location from which home medical equipment services are provided.

(Indiana Board of Pharmacy; [856 IAC 1-39-17](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-18](#) Availability of licensee

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 18. Each licensee shall provide twenty-four (24) hours a day, seven (7) days a week availability to their clients consistent with the nature of the services the licensee provides.

(Indiana Board of Pharmacy; [856 IAC 1-39-18](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

[856 IAC 1-39-19](#) Medicare DMEPOS supplier standards

Authority: [IC 25-26-21-7](#)

Affected: [IC 25-26-21](#)

Sec. 19. The board hereby incorporates by reference the Medicare supplier standards titled Special Payment Rules for Items Furnished by DMEPOS Suppliers and Issuance of DMEPOS Supplier Billing Privileges found at 42 CFR 424.57(c), effective December 11, 2000.

(Indiana Board of Pharmacy; [856 IAC 1-39-19](#); filed Jun 27, 2006, 2:00 p.m.: [20060726-IR-856050139FRA](#))

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[IC 4-22-7-5\(c\)](#) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

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