

Licensure Requirements for Home Medical Equipment Providers, Personal Service Agencies

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It is no surprise that, given the current health care climate, providers who were unregulated just a few years ago are now subject to certification and licensure requirements.

In April 2012, Kentucky House Bill 282 passed the legislature and was signed into law. The law requires that all home medical equipment providers who sell/distribute home medical equipment products to patients in Kentucky obtain a Home Medical Equipment License from the Kentucky Board of Pharmacy. Home medical equipment providers, which are durable medical equipment companies, provide necessary items to such as wheelchairs, hospital beds, and nebulizers to individuals.

The bill provides the Board of Pharmacy with the authority to grant reciprocity to out-of-state suppliers with licensing requirements in bordering states under certain circumstances.

During the 2009 legislative session, the legislature passed Senate Bill 22 requiring any entity operating as a personal services agency in Kentucky to file an application for certification. Personal service entities provide in-home, attendant type care to help individuals meet their day-to-day activities and maintain their independence. Personal service entities must always use caution and refrain from offering any medical, nursing or other health-related service. Exempted from the certification requirement are:

- Those that provide services to no more than three clients
- Health facilities or health services currently license under KRS 216B.
- Currently licensed or certified health-care practitioners.
- Businesses or individuals who solely provide house cleaning, laundry, personal shopping or transportation

Individuals or entities operating a business which sells home medical equipment or provides personal services are now subject to state oversight.

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