

1 HB441
2 184388-1
3 By Representative Johnson (R)
4 RFD: County and Municipal Government
5 First Read: 04-APR-17

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8 SYNOPSIS: This bill would specify that for purposes of
9 municipal business licenses, a qualified home
10 health care or hospice agency or a qualified
11 provider of durable medical equipment, prosthetics,
12 orthotics, or health care supplies could not be
13 required to purchase a municipal business license
14 in a municipality unless it maintains its
15 headquarters or any branch office in the
16 municipality or has gross receipts of \$75,000 or
17 more per year in the municipality.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To specify that for purposes of municipal business
24 licenses, a qualified provider that is a qualified home health
25 care or hospice agency or a qualified provider of durable
26 medical equipment, prosthetics, orthotics, or health care
27 supplies could not be required to purchase a municipal or

1 county business license in a municipality unless the provider
2 maintains its headquarters or any branch office in the
3 municipality or has a certain amount of gross receipts in the
4 municipality per year; to further provide that a health care
5 employee or other agent or representative of a qualified
6 provider could not be required to purchase a business license
7 from a municipality or its agent, including a private auditing
8 firm, merely because the person visits a patient whose
9 residence or the health care facility in which they are being
10 treated is located within that municipality or because
11 equipment or health care supplies are furnished within the
12 municipality; to provide that a qualified provider that
13 provides a service or product reimbursed by Medicare,
14 Medicaid, or a health benefit plan could not be required to
15 purchase in a municipality certain municipal licenses except
16 where its headquarters or a branch office is located or unless
17 it has a certain amount of gross receipts in the municipality
18 per year; and for this purpose to add Section 11-51-90.4 to
19 the Code of Alabama 1975.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 11-51-90.4 is added to the Code
22 of Alabama 1975, to read as follows:

23 §11-51-90.4

24 (a) As used in this section, the term "qualified
25 provider" means a qualified home health care or hospice agency
26 or a qualified provider of durable medical equipment,
27 prosthetics, orthotics, or health care supplies which is a

1 corporation, limited liability company, or other business or
2 nonprofit entity that provides either home health care or
3 hospice services or durable medical equipment, prosthetics,
4 orthotics, or health care supplies in this state and is
5 licensed by the Alabama Board of Home Medical Equipment or by
6 the Alabama State Board of Prosthetists and Orthotists, or
7 holds a certificate of need issued by the State Health
8 Planning and Development Agency, or its successor, or is
9 exempt by law or administrative rule or ruling from the
10 requirement to obtain a certificate of need.

11 (b) Notwithstanding anything in this chapter to the
12 contrary, a qualified provider may not be required to purchase
13 a municipal business license or delivery license from a
14 municipality or its agents, unless the provider maintains its
15 headquarters office or a branch office in the municipality or
16 has gross receipts of seventy-five thousand dollars (\$75,000)
17 or more per year in the municipality.

18 (c) Notwithstanding anything in this chapter to the
19 contrary, a health care employee or other agent or
20 representative of a qualified provider shall not be required
21 to purchase a municipal business or privilege license or
22 otherwise be liable for a municipal business or privilege
23 license tax or similar fee, including any delivery license or
24 fee, from a municipality on account of one or more service
25 visits to a patient of the agency at his or her residence or
26 one or more visits to a patient at a health care facility or
27 other facility where the patient resides, whether temporarily

1 or indefinitely, or because durable medical equipment or
2 prosthetics or orthotics or health care supplies are delivered
3 or furnished to a patient.

4 (d) A qualified provider as defined in subsection
5 (a) shall not be required to purchase a municipal license or
6 pay a municipal license fee from or to any municipality,
7 except where it maintains its headquarters office or where it
8 maintains a branch office, for the delivery of any service or
9 product which is reimbursed in whole or in part by Medicare,
10 Medicaid, or other third party payer including, but not
11 limited to, a health benefit plan, health insurance, workers'
12 compensation, or similar third party payer unless the
13 qualified provider has gross receipts of seventy-five thousand
14 dollars (\$75,000) or more per year in the municipality.

15 Section 2. All laws or parts of laws which conflict
16 with this act are repealed.

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