

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Andres X. Vargas*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the durable medical equipment board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>12/12/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>12/16/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>12/16/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>12/16/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>12/17/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>12/19/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>12/19/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>12/20/2019</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>12/20/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>12/20/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>12/20/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>12/20/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>12/23/2019</i>

**HOUSE . . . . . No.**

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By Mr. Vargas of Haverhill, a petition (subject to Joint Rule 12) of Andres X. Vargas and others for legislation to establish a durable medical equipment board within the Board of Registration in Pharmacy. Consumer Protection and Professional Licensure.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act establishing the durable medical equipment board.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 13 of the General Laws is hereby amended by inserting after  
2 section 25A the following section:-

3           Section 25B. (a) There shall be established within the board of registration in pharmacy  
4 the durable medical equipment board. The governor shall appoint 7 members to the board.  
5 Members shall be residents of the commonwealth. No person who has been convicted of a felony  
6 or other crime involving embezzlement, theft, fraud or perjury shall serve as a member of the  
7 board. The board shall be comprised of at least 1 member from each of the following areas: (i) a  
8 durable medical equipment provider; (ii) a home health agency; (iii) an acute or post-acute care  
9 facility; and (iv) a pharmacy.

10           (b) Any person who supplies durable medical equipment to a consumer and submits a  
11 claim for reimbursement by a third party, either directly or through a contractual arrangement,

12 shall possess a durable medical equipment supplier license issued by the board pursuant to this  
13 section.

14 (c) The board may issue a license to an applicant for licensure as a durable medical  
15 equipment supplier if the applicant:

16 (1) Submits an application in the form prescribed by the board;

17 (2) Maintains a physical office or place of business within the commonwealth or within  
18 1 of the 5 following states: Connecticut, New Hampshire, New York, Rhode Island or Vermont.

19 (3) Pays the license fee of \$500; and

20 (4) Meets all safety standards and licensure requirements established by the board.

21 (d) Licenses issued pursuant to this section shall be effective for 36 months from the date  
22 of issuance and shall not be transferable or assignable.

23 (e) The board may refuse to issue or renew, or may suspend, revoke, or restrict the  
24 licenses of, or fine any person pursuant to the procedures set forth by the board in regulation.

25 (f) The board reserves the right to initially and periodically inspect the applicant's or  
26 licensee's office or place of business in the commonwealth.

27 (g) The board may provide for exemptions to the licensure provisions of this section.

28 (h) The board shall promulgate rules and regulations necessary to implement the  
29 provisions of this section. Such rules and regulations shall be established with the intent of  
30 ensuring patient safety and quality of durable medical equipment. The board may provide by  
31 rules and regulations that any person accredited by organizations recognized by the federal

32 Centers for Medicare and Medicaid Services is deemed to meet all or some of the requirements  
33 of this section. Further, the board may require the completion of background checks, including,  
34 but not limited to, criminal history record checks, on any applicants or licensees, on any persons  
35 who will have direct contact with patients, and on any other licensee personnel deemed  
36 necessary for purposes of patient safety.

37 SECTION 2. The board of durable medical equipment shall, in coordination with the  
38 executive office of health and human services promulgate regulations for licensure requirements  
39 no later than December 31, 2020. The board shall begin the process for licensure under section 1  
40 on or before December 31, 2021.

41 SECTION 3. Subsection (b) of section 25B of chapter 12 of the General Laws shall take  
42 effect January 1, 2021.