315.514 License required to provide or hold oneself out as providing home medical equipment and services -- Exemptions.

(1) No person shall provide home medical equipment and services, or use the title "home medical equipment and services provider" in connection with his or her profession or business, without a license issued by the board.

(2) Unless home medical equipment and services are provided through a separate legal entity, nothing in KRS 315.510 to 315.524 or any administrative regulations promulgated thereunder shall be construed as preventing or restricting the practices, services, or activities of the following:

(a) A person licensed or registered in this state under any other law who is engaging in the profession or occupation for which he or she is licensed or registered;

(b) Health care practitioners who lawfully prescribe or order home medical equipment and services, or who use home medical equipment and services to treat their patients;

(c) Home health agencies that do not engage in the provision of home medical equipment and services;

(d) Hospitals that provide home medical equipment and services only as an integral part of patient care;

(e) Manufacturers and wholesale distributors of home medical equipment who do not sell, lease, or rent home medical equipment directly to a patient;

(f) Pharmacies that are engaged in the sale, lease, or rental of home medical equipment and services;

(g) An employee of a person licensed under KRS 315.510 to 315.524;

(h) Hospice programs that do not involve the sale, lease, or rental of home medical equipment and services;

(i) Skilled nursing facilities that do not involve the sale, lease, or rental of home medical equipment and services; and

(j) Government agencies, including fire districts which provide emergency medical services.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 73, sec. 3, effective July 12, 2012.