

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;
 - (j) Government agencies, including fire districts which provide emergency medical services; and
 - (k) Notwithstanding subsection (1) of this section, an out-of-state provider whose primary business is the manufacture, distribution, or both, of highly specialized equipment who ships that equipment into this state if that equipment is not provided by a licensed Kentucky home medical equipment and services provider.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 56, sec. 4, effective June 24, 2015. -- Created 2012 Ky. Acts ch. 73, sec. 3, effective July 12, 2012.