

**309.412 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 309.400 to 309.422 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 309.400 to 309.422;
  - (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:** July 15, 2016

**History:** Repealed, reenacted, renumbered, and amended 2016 Ky. Acts ch. 103, sec. 3, effective July 15, 2016. -- Amended 2015 Ky. Acts ch. 56, sec. 4, effective June 24, 2015. -- Created 2012 Ky. Acts ch. 73, sec. 3, effective July 12, 2012.

**Formerly codified as** KRS 315.514.