§ 3653. Application and issuance of licenses. 1. An application for a license shall be made by the medical equipment service agency upon forms provided by the department. The application shall contain the name of the owner or owners, the location or locations where the medical equipment service agency is to be operated, and such other information as the department may require. The medical equipment service agency shall notify the department thirty days prior to the establishment of a new facility or location and provide a description thereof. At its discretion, the department may inspect such proposed new facility or location during this thirty day period.

2. (a) A license shall not be issued unless the commissioner determines that the medical equipment service agency complies with all applicable federal and state regulations governing the safety of home medical equipment services.

(b) An application for a license shall include the following information:

(i) Written procedures to ensure that all personnel engaged in delivery, maintenance and repair of home medical equipment receive annual continuing education as may be required by regulation. In addition, the agency must demonstrate that the person responsible for the direct administration of the medical equipment services, is qualified by experience and training to perform such responsibilities. In addition, the agency must demonstrate that all personnel who perform services that constitute the practice of a profession defined in title eight of the education law are duly licensed or certified.

(ii) Written procedures for maintaining records of all patients receiving home medical equipment services.

(iii) Written procedures for equipment management and maintenance.

(iv) Written procedures for servicing home medical equipment based on standards prescribed by the department.

(v) A description of its quality assurance program which objectively and systematically monitors and evaluates the quality and appropriateness of care and services provided by such medical equipment service agency. The department shall deem a medical equipment service agency to be in compliance with the requirements of this subparagraph if the medical equipment services agency is accredited by a national

accrediting agency approved by the department for a comparable quality assurance program.

3. A license shall be valid for three years from the date it was issued. The initial application for a permit shall be accompanied by a licensure fee of one hundred dollars.

4. The license shall specify the names of the owner or owners, and the locations from which such services may be performed. The license shall be displayed at all times in a prominent place in the medical equipment service agency's place of business.

5. Agencies located within this state shall also be required to pay a reasonable and adequate fee for its triennial inspection, which in no case shall be more than one thousand one hundred fifty dollars. Agencies located outside the state shall also be charged a reasonable and adequate fee to cover the cost of regulations and inspecting these facilities, including a triennial inspection. Such fee shall be determined by the commissioner.