

# North Carolina Bedding Law

Questions have arisen over a long period of time regarding the application of the North Carolina Bedding Law as it applies to durable medical equipment (DME) and hospice agencies. John Barkley, an assistant attorney general, clarified the situation in a recent letter. Excerpts from that letter appear below:

The issue is "whether North Carolina Bedding Laws prohibiting the sale of used bedding are applicable to certain activities conducted by hospice, by numerous home health providers and home medical equipment companies in North Carolina. My understanding is that the problem arises from a Medicare requirement that imposes a time-limited cap on rentals of beds and mattresses to patients. The requirement states that after the cap has been reached, the bed and mattress become the property of the patient. The question is whether such action constitutes the "sale" of a mattress that invokes the requirements of the bedding laws.

"...this does not constitute a "sale" under the North Carolina bedding law, because there is no actual "sale" of the bedding at the end of the rental period, nor is there a transfer of the bedding to another person as anticipated under 130A-267. Therefore, hospice and other providers of such services are not subject to registration, licensure or sanitation requirements that would apply in the case of the "sale" of used bedding under North Carolina Bedding Laws."

"...hospice and other providers in this scenario are in no way acting as manufacturers of bedding in North Carolina and would not be required to register for a manufacturer's bedding license in North Carolina."

We trust this will aid people in the DME field in their everyday practices.