

1 SB135  
2 117984-3  
3 By Senators Dixon, Barron, Little (T), and Figures  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Alabama Sunset Law; to continue the  
12 existence and functioning of the Alabama State Board of  
13 Prosthetists and Orthotists until October 1, 2011, with  
14 certain modifications; to amend Sections 34-25A-5 and  
15 34-25A-8, Code of Alabama 1975, as amended by Act 2009-300,  
16 (Acts 2009, p. 510), so as to require that applicants for  
17 licensure be United States citizens or legally present in the  
18 United States; to require that board members be citizens of  
19 this state; and to alter and clarify appointments to the  
20 board.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Pursuant to the Alabama Sunset Law, the  
23 Sunset Committee recommends the continuance of the Alabama  
24 State Board of Prosthetists and Orthotists until October 1,  
25 2011, with the additional recommendation for statutory change  
26 as set out in Section 3.

1           Section 2. The existence and functioning of the  
2 Alabama State Board of Prosthetists and Orthotists, created  
3 and functioning pursuant to Sections 34-25A-1 to 34-25A-14,  
4 inclusive, Code of Alabama 1975, is continued until October 1,  
5 2011, and those code sections are expressly preserved.

6           Section 3. Sections 34-25A-5 and 34-25A-8 of the  
7 Code of Alabama 1975, as amended by Act 2009-300, (Acts 2009,  
8 p. 510), are amended to read as follows:

9           "§34-25A-5.

10           "(a) Except as provided in subsection (h) or (i), no  
11 person shall administer prosthetic, orthotic, or pedorthic  
12 care in this state unless licensed or registered to do so in  
13 accordance with this chapter. The board shall issue approved  
14 forms for application prior to January 1, 2003.

15           "(b) In order to obtain a license as a prosthetist,  
16 orthotist, pedorthist, or prosthetist/orthotist in this state,  
17 an applicant ~~must~~ shall be a citizen of the United States or,  
18 if not a citizen of the United States, a person who is legally  
19 present in the United States with appropriate documentation  
20 from the federal government, and shall do the following:

21           "(1) File a written application on forms to be  
22 developed and approved by the board. The applicant ~~must~~ shall  
23 meet at least one of the following requirements after a  
24 one-year grandfather period:

25           "a. The applicant ~~must~~ shall possess a baccalaureate  
26 degree in orthotics and prosthetics from a college or  
27 university accredited by a regional accrediting agency and

1 complete 1,900 hours per discipline sought of directed  
2 employment under the supervision of a certified/licensed  
3 prosthetist, a certified/licensed orthotist or a  
4 certified/licensed prosthetist/orthotist in an accredited  
5 facility, and be certified as a prosthetist, orthotist, or  
6 prosthetist/orthotist by a nationally recognized certifying  
7 board in orthotics and prosthetics accredited by the National  
8 Commission for Certifying Agencies (NCCA), or such other  
9 national agency as approved by the board, in the discipline or  
10 disciplines for which the application is made.

11 "b. The applicant ~~must~~ shall possess a baccalaureate  
12 degree from a regionally accredited college or university and  
13 have successfully completed a post-baccalaureate certificate  
14 course approved by the board and completed 1,900 hours of  
15 directed employment per discipline in which license is sought  
16 under the supervision of a certified/licensed prosthetist, a  
17 certified/licensed orthotist, or a certified/licensed  
18 prosthetist/orthotist in an accredited facility, and be  
19 certified by a nationally recognized certifying board in  
20 prosthetics or orthotics accredited by the National Commission  
21 for Certifying Agencies (NCCA), or such other national agency  
22 as approved by the board, in the discipline or disciplines for  
23 which application is made.

24 "c. The applicant ~~must~~ shall possess an associate's  
25 degree from a regionally accredited college or university,  
26 junior college, or community college and have successfully  
27 completed postsecondary coursework in anatomy, physiology,

1 physics, biology, chemistry, algebra, and calculus and have  
2 worked under the supervision of a certified/licensed  
3 prosthetist, a certified/licensed orthotist, or a  
4 certified/licensed prosthetist/orthotist for not less than  
5 four consecutive years of the past six years in an accredited  
6 facility, and be certified by a nationally recognized  
7 certifying board in prosthetics or orthotics accredited by the  
8 National Commission for Certifying Agencies (NCCA), or such  
9 other national agency as may be approved by the board.

10 "d. The applicant ~~must~~ shall have successfully  
11 completed postsecondary coursework in anatomy, physiology,  
12 physics, biology, chemistry, algebra, and calculus and have  
13 worked under the supervision of a certified/licensed  
14 prosthetist, a certified/licensed orthotist, or a  
15 certified/licensed prosthetist/orthotist for not less than  
16 eight years of the last 12 years and be certified as a  
17 prosthetist, orthotist, or prosthetist/orthotist by a  
18 nationally recognized board accredited by the National  
19 Commission for Certifying Agencies (NCCA), or such national  
20 agency as may be approved by the board, in the discipline or  
21 disciplines for which application is made.

22 "(2) Any applicant after the first year following  
23 the board's issuance of applications ~~must~~ shall meet the  
24 requirements of paragraph a., b., or d. of subdivision (1) of  
25 subsection (b) prior to receiving a license as a prosthetist,  
26 an orthotist, or a prosthetist/orthotist.

1           "(c) In order to obtain a license as a pedorthist in  
2 this state, an applicant shall be a citizen of the United  
3 States or, if not a citizen of the United States, a person who  
4 is legally present in the United States with appropriate  
5 documentation from the federal government, and shall do all of  
6 the following:

7           "(1) File a written application on forms to be  
8 developed and approved by the board. Applicants, after a  
9 one-year grandfather period from April 4, 2006, ~~must~~ shall be  
10 in good standing as a certified pedorthist with the Board for  
11 Certification in Pedorthics.

12           "(2) During the one-year grandfather period, an  
13 applicant ~~must~~ shall meet one of the following requirements:

14           "a. Possess current credentials as a certified  
15 pedorthist in good standing with the Board for Certification  
16 in Pedorthics.

17           "b. Provide confirmation of the practice of  
18 pedorthics for a period of five of the last six years on forms  
19 provided by the board and attested to by persons designated by  
20 the board.

21           "(d) In order to obtain registration as an orthotic  
22 supplier, an applicant ~~must~~ shall be a citizen of the United  
23 States or, if not a citizen of the United States, a person who  
24 is legally present in the United States with appropriate  
25 documentation from the federal government, and shall do the  
26 following:

1           "(1) File a written application on forms to be  
2 developed and approved by the board. Such forms shall require  
3 personal information such as full name, current address,  
4 educational status and history, and work history for the last  
5 five years of employment.

6           "(2) The application forms shall be accompanied,  
7 when submitted, by attestation of employment by or contractual  
8 relationship with a manufacturer of orthoses or orthosis  
9 components whether registered with the United States Food and  
10 Drug Administration or not. Attestation shall be by notarized  
11 statement signed by the president, chief operating officer, or  
12 other designated corporate official of the employing company.

13           "(e) The board shall grant a license without an  
14 examination for those qualified applicants who apply within  
15 one year of the issuance of application forms by the board.  
16 For purposes of this subsection, qualified applicants are  
17 those which meet either of the following requirements:

18           "(1) The applicant shall possess current credentials  
19 as a Certified Prosthetist, Certified Orthotist, or Certified  
20 Prosthetist/Orthotist issued by the American Board for  
21 Certification in Orthotics and Prosthetics, Incorporated, or  
22 the Board for Orthotist/Prosthetist Certification as a  
23 prosthetist, orthotist, or prosthetist/orthotist.

24           "(2) The applicant has practiced full time as a  
25 prosthetist, orthotist, or prosthetist/orthotist for five of  
26 the six years prior to July 1, 2002, and has provided  
27 comprehensive prosthetic, orthotic, or prosthetic/orthotic

1 care, as defined by the board in a facility that meets the  
2 requirements of the board for accreditation.

3 "(f) The board may issue a 12-month temporary  
4 license as a prosthetist, an orthotist, a pedorthist, or a  
5 prosthetist/orthotist to persons who have applied for  
6 licensure and are awaiting examination. The temporary license  
7 is renewable once for a six-month period if the applicant  
8 fails to pass the examination at the first sitting.

9 "(g) The board shall grant a license as a  
10 prosthetist, an orthotist, a prosthetist/orthotist, or  
11 pedorthist to an applicant in possession of a current license  
12 as a prosthetist, orthotist, prosthetist/orthotist, or  
13 pedorthist in another state or territory of the United States  
14 without examination if the board determines that the  
15 credentialing standards set by the other state or territory  
16 are substantially equivalent to the standards set by the board  
17 for this state.

18 "(h) No person may represent himself or herself as a  
19 licensed prosthetist, licensed orthotist, licensed  
20 prosthetist/orthotist, or licensed pedorthist, use a title or  
21 description of services, or engage in the practice of  
22 prosthetics, orthotics, or pedorthics without applying for  
23 licensure, meeting the required qualifications, and being  
24 licensed by the board unless otherwise exempted by this  
25 chapter. A person not licensed with the board may not  
26 represent himself or herself as being so licensed and may not  
27 use, in connection with his or her name, the words licensed



1 orthotist, orthotist, licensed prosthetist, prosthetist,  
2 licensed prosthetist/orthotist, prosthetist/orthotist,  
3 licensed pedorthist, pedorthists, or letters "L.O.," "L.P.,"  
4 "L.P.O.," "L.O.A.," "LPed," "L.P.A.," or "L.P.O.A.," or other  
5 letters, words, signs, numbers, or insignia indicating or  
6 implying that he or she is either a licensed prosthetist, a  
7 licensed orthotist, a licensed prosthetist/orthotist, or  
8 licensed pedorthist in the State of Alabama without first  
9 having a valid license. The license shall be posted in a  
10 conspicuous location at the person's work site.

11 "(i) Nothing in this chapter shall be construed to  
12 prohibit or restrict the following:

13 "(1) The practice of prosthetics, orthotics, or  
14 pedorthics by individuals authorized and performing services  
15 within their authorized scopes of practice as adopted by the  
16 State of Alabama Legislature including, but not limited to,  
17 authorized health care practitioners, doctors of podiatry,  
18 chiropractors, physical therapists, and occupational  
19 therapists licensed in this state.

20 "(2) The practice of prosthetics, orthotics, or  
21 pedorthics by an individual employed by, or in the service of  
22 the government of the United States of America while engaged  
23 in the performance of duties prescribed by the laws of the  
24 United States of America.

25 "(3) The practice of prosthetics, orthotics, or  
26 pedorthics by any person not licensed as a prosthetist,  
27 orthotist, prosthetist/orthotist, or pedorthist in accordance

1 with this chapter who is employed in a diagnostic laboratory,  
2 hospital, rehabilitation facility, or authorized health care  
3 practitioner's office or as a medical lab technician or  
4 technologist whose function is to administer treatment or  
5 perform diagnostic procedures confined to that laboratory or  
6 office under the direction of an authorized health care  
7 practitioner.

8 "(4) The practice of prosthetics, orthotics, or  
9 pedorthics by a person who is a regular or full-time student  
10 in a prosthetic or orthotic educational program approved by  
11 the board, and whose designated status is student or trainee.

12 "(5) A person fulfilling the supervised residency or  
13 internship experience requirements described in this chapter.

14 "(6) A person who meets the qualifications listed in  
15 paragraphs a, b, c, and d of subdivision (1) of subsection (b)  
16 from performing prosthetic, orthotic, or pedorthic services in  
17 this state, provided the services are not performed for more  
18 than 60 days per 12-month period, after notification to the  
19 board.

20 "§34-25A-8.

21 "(a) Effective October 1, 2009, the existing Alabama  
22 State Board of Prosthetists and Orthotists is abolished.  
23 Notwithstanding the foregoing, members on the board serving on  
24 October 1, 2009, shall continue to serve until their  
25 successors are appointed. Effective October 1, 2009, a new  
26 Alabama State Board of Prosthetists and Orthotists is created  
27 to administer this chapter and shall be composed of nine

1 members as provided in this section who shall be compensated  
2 at the rate of one hundred dollars (\$100) per day plus travel  
3 expenses for each day they perform their duties. The board  
4 membership shall reflect the racial, gender, geographic, urban  
5 and rural, and economic diversity of the state and each member  
6 of the board shall be a citizen of this state. The Attorney  
7 General of the state shall act as legal advisor of the board  
8 and shall render such legal assistance as may be necessary in  
9 carrying out the provisions of this chapter.

10 "(b) After October 1, 2009, members shall be  
11 appointed as follows:

12 "(1) Three by the Governor of the State of Alabama  
13 two of whom shall be appointed for four ~~(4)~~ year initial terms  
14 and one of whom shall be appointed to a one ~~(1)~~ year initial  
15 term, one of whom shall be licensed pursuant to this chapter  
16 and is certified by an entity accredited by the National  
17 Commission for Certifying Agencies (NCCA); one of whom shall  
18 be a private citizen of the State of Alabama who is a consumer  
19 of orthotic or prosthetic services; and one of whom shall be a  
20 physician licensed to practice medicine in the State of  
21 Alabama.

22 "(2) Two by the Lieutenant Governor of the State of  
23 Alabama one for an initial term of four ~~(4)~~ years and one for  
24 an initial term of two ~~(2)~~ years, both of whom shall be  
25 licensed pursuant to this chapter and certified by an entity  
26 accredited by the National Commission for Certifying Agencies  
27 (NCCA).

1           "(3) Two by the Speaker of the House of  
2 Representatives of the State of Alabama for initial terms of  
3 three ~~(3)~~ years, one of whom is a ~~licensed~~ podiatrist licensed  
4 to practice in the State of Alabama and one of whom shall be  
5 licensed pursuant to this chapter and certified by an entity  
6 accredited by the National Commission for Certifying Agencies  
7 (NCCA).

8           "(4) One by the President Pro Tempore of the Senate  
9 of the State of Alabama for an initial term of two ~~(2)~~ years,  
10 who shall be licensed pursuant to this chapter and certified  
11 by an entity accredited by the National Commission for  
12 Certifying Agencies (NCCA).

13           "(5) One by the Speaker Pro Tempore of the House of  
14 Representatives of the State of Alabama for an initial term of  
15 one ~~(1)~~ year who shall be licensed pursuant to this chapter  
16 and certified by an entity accredited by the National  
17 Commission for Certifying Agencies (NCCA).

18           "(c) Regarding the board created by Act 2009-300,  
19 all initial appointments to the board shall be made no later  
20 than 60 days after July 1, 2009.

21           "(d) Regarding the board created by ~~this~~ Act  
22 2009-300, the Alabama Prosthetic and Orthotic Association  
23 shall submit its list of nominees for initial appointments to  
24 the Governor, the Lieutenant Governor, the Speaker of the  
25 House of Representatives, ~~and~~ the President Pro Tempore of the  
26 Senate, and the Speaker Pro Tempore of the House of  
27 Representatives no later than 15 days after July 1, 2009.

1 Applications from private citizens who are consumers of  
2 orthotic or prosthetic care and from authorized health care  
3 practitioners ~~must~~ shall be submitted to the appointing  
4 authorities within 30 days of July 1, 2009."

5 Section 4. The Legislature concurs in the  
6 recommendations of the Sunset Committee as provided in  
7 Sections 1, 2, and 3.

8 Section 5. This act shall become effective  
9 immediately upon its passage and approval by the Governor, or  
10 its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Governmental Affairs .....	12-JAN-10
Read for the second time and placed on the calen- dar .....	14-JAN-10
Read for the third time and passed as amended ...	11-FEB-10

Yeas 31  
Nays 0

McDowell Lee  
Secretary