

1 HB155
2 135912-3
3 By Representative Johnson (R)
4 RFD: Boards, Agencies and Commissions
5 First Read: 07-FEB-12
6 PFD: 02/03/2012

1 state board in prosthetics, orthotics, and pedorthics
2 accredited by the National Commission for Certifying Agencies
3 (NCCA) in the discipline or disciplines for which the
4 application is made.

5 "(2) ACCREDITED PEDORTHIC FACILITY. A facility where
6 pedorthic care may be provided that has met the requirements
7 of the board for such designation. An accredited pedorthic
8 facility shall contain a site that includes at least the
9 following equipment: Sanding/grinding equipment suitable for
10 use, an oven for plastics and foams used in the fabrication of
11 pedorthic devices, and a vacuum device for forming pedorthic
12 devices.

13 "(3) AUTHORIZED HEALTH CARE PRACTITIONER. A
14 physician licensed to practice medicine or a person licensed
15 or authorized to practice podiatry pursuant to Article 6
16 (commencing with Section 34-24-230) of Chapter 24.

17 "(4) BOARD. The Alabama State Board of Prosthetists
18 and Orthotists.

19 "(5) CHIROPRACTOR. A person licensed and acting
20 within the definition as found in Section 34-24-120.

21 "(6) MASTECTOMY FITTER. A health care professional
22 who is specifically educated and trained in the provision of
23 breast prostheses and post-mastectomy services, including
24 patient assessment, formulation of a treatment plan,
25 implementation of the treatment plan, and follow-up and
26 practice management, which is consistent with nationally

1 recognized programs which are accredited by the National
2 Commission for Certifying Agencies (NCCA).

3 "(7) OCCUPATIONAL THERAPIST/OCCUPATIONAL THERAPIST
4 ASSISTANT/OCCUPATIONAL THERAPIST AIDE. A person who is
5 licensed as an occupational therapist, or occupational
6 therapist assistant, or occupational therapist aide as defined
7 in Section 34-39-3.

8 "(8) ORTHOSIS. A custom-fabricated, definitive brace
9 or support that is designed for long-term use.

10 Custom-fabricated orthoses, also known as custom-made
11 orthoses, are devices designed and made from raw materials or
12 commercially available components for a specific patient and
13 require the generation of an image, form, or mold that
14 replicates the patient's body or body segment and involves the
15 rectification of dimensions, contours, and volumes to achieve
16 proper fit, comfort, and function for that specific patient.
17 Except for the treatment of scoliosis, orthosis does not
18 include prefabricated or direct-formed orthotic devices, as
19 defined in this subdivision and does not include any of the
20 following items: Commercially available knee orthoses used
21 following injury or surgery; upper extremity adaptive
22 equipment; finger splints; leather wrist gauntlets; face masks
23 used following burns; wheelchair seating that is an integral
24 part of the wheelchair and not worn by the patient independent
25 of the wheelchair; fabric or elastic supports; corsets; arch
26 supports, also known as non-custom or prefabricated orthotics;
27 low-temperature formed plastic splints; trusses; elastic hose;

1 canes; crutches; cervical collars; dental appliances, and
2 other similar devices as determined by the board, such as
3 those commonly carried in stock by a pharmacy, hospital,
4 rehabilitation facility, department store, corset shop, or
5 surgical supply facility. Prefabricated orthoses, also known
6 as custom-fitted or off-the-shelf, are devices that are
7 manufactured as commercially available items for no particular
8 patient. Direct-formed orthoses are devices formed or shaped
9 during the molding process directly on the patient's body or
10 body segment.

11 "(9) ORTHOTIC FITTER. A health care practitioner,
12 licensed with the board, who is specifically educated and
13 trained in the provision of certain orthoses, including
14 patient assessment, formulation of a treatment plan,
15 follow-up, and practice management, consistent with nationally
16 recognized programs accredited by the National Commission for
17 Certifying Agencies (NCCA).

18 ~~"(9)~~ (10) ORTHOTICS. The science and practice of
19 evaluating, measuring, designing, fabricating, assembling,
20 fitting, adjusting, or servicing, as well as providing the
21 initial training necessary to accomplish the fitting of, an
22 orthosis for the support, correction, or alleviation of
23 neuromuscular or musculoskeletal dysfunction, disease, injury,
24 or deformity. The practice of orthotics encompasses
25 evaluations and consultation and continuing care, with basic
26 observational gait and posture analysis. Orthotists assess the
27 need for and measure, design, manufacture, and fit orthoses to

1 maximize function and provide not only the support but the
2 alignment necessary to either prevent or correct deformity or
3 to improve the safety and efficiency of mobility or
4 locomotion, or both. Orthotic practice includes periodic
5 evaluation and consultation to assess its effect on the
6 patient's tissue and assure proper fit and function of the
7 orthotic device.

8 ~~"(10)~~ (11) ORTHOTIC SUPPLIER. A person licensed with
9 the board who is employed by or has a contractual relationship
10 with a manufacturer of orthoses or orthosis components and who
11 has complied with the registration requirements of the board.

12 ~~"(11)~~ (12) ORTHOTIST. A person licensed to practice
13 orthotics under this chapter.

14 ~~"(12)~~ (13) ORTHOTIST ASSISTANT. A person licensed
15 under terms to be defined by the board and employed by the
16 same agency as his or her licensed referring evaluator.

17 ~~"(13)~~ (14) PEDORTHIC DEVICE. Custom therapeutic
18 shoes, diabetic shoes if prescribed by an authorized health
19 care practitioner for the treatment of partial or complete
20 amputation of the foot, foot ulceration, pre-ulcerative
21 callous, or foot deformity, shoe modifications made for
22 therapeutic purposes, partial foot prostheses, and foot
23 orthoses and orthoses for use from the knee and below used for
24 the treatment or alleviation, or both, of a condition that has
25 its origin in the foot. A pedorthic device addresses a medical
26 condition of the foot below the ankle and is prescribed by an
27 authorized health care practitioner.

1 "~~(14)~~ (15) PEDORTHICS. The design, manufacture,
2 modification, or fit of custom shoes, orthoses, and pedorthic
3 devices to prevent or alleviate foot problems caused by
4 disease, congenital defect, overuse, or injury.

5 "~~(15)~~ (16) PEDORTHIST. A person who is licensed to
6 practice pedorthics under this chapter.

7 "~~(16)~~ (17) PHYSICAL THERAPIST/PHYSICAL THERAPIST
8 ASSISTANT/PHYSICAL THERAPIST TECHNICIAN. A person who is
9 licensed to practice as defined in Section 34-24-191.

10 "~~(17)~~ (18) PHYSICIAN. A person who is a doctor of
11 medicine or a doctor of osteopathy licensed to practice.

12 "~~(18)~~ (19) PODIATRIST. A person licensed or
13 authorized to practice podiatry pursuant to Article 6 of
14 Chapter 24.

15 "~~(19)~~ (20) PROSTHESIS. A definitive artificial limb
16 that is alignable or articulated or, in lower extremity
17 applications, capable of bearing weight. Prosthesis means an
18 artificial medical device that is not surgically implanted and
19 that is used to replace a missing limb, appendage, or other
20 external human body part and that includes an artificial limb,
21 hand, or foot. The term does not include artificial eyes,
22 ears, dental appliances, ostomy products, devices such as
23 artificial breasts or eyelashes, wigs, or other devices as
24 determined by the board that do not have a significant impact
25 on the musculoskeletal functions of the body.

26 "~~(20)~~ (21) PROSTHETICS. The science and practice of
27 evaluating, measuring, designing, fabricating, assembling,

1 fitting, aligning, adjusting, or servicing, as well as
2 providing the initial education necessary to accomplish the
3 wearing and use of a prosthesis, through the replacement of
4 external parts of a human body lost due to amputation or
5 congenital deformities or absences. The practice of
6 prosthetics also includes the generation of an image, form, or
7 mold that replicates the patient's body or body segment and
8 that requires rectification of dimensions, contours, and
9 volumes for use in the design and fabrication of a socket to
10 accept a residual limb to create an artificial appendage that
11 is designed either to support body weight or to improve or
12 restore function or cosmesis, or both. Involved in the
13 practice of prosthetics is observational gait analysis and
14 clinical assessment of the requirements necessary to refine
15 and mechanically fix the relative position of various parts of
16 the prosthesis to maximize the function, stability, and safety
17 of the patient. The practice of prosthetics includes
18 evaluation, consultation, and providing continuing patient
19 care in order to assess the effect of the prosthetic device on
20 the patient's tissues and to assure proper fit and function of
21 the prosthetic device.

22 ~~"(21)~~ (22) PROSTHETIST. A person who is licensed to
23 practice prosthetics under this chapter.

24 ~~"(22)~~ (23) PROSTHETIST ASSISTANT. A person licensed
25 under terms to be defined by the board and employed by the
26 same agency as his or her licensed referring evaluator.

1 "~~(23)~~ (24) PROSTHETIST/ORTHOTIST. A person licensed
2 to practice prosthetics and orthotics under this chapter.

3 "~~(24)~~ (25) THERAPEUTIC SHOE FITTER. A health care
4 professional who is specifically educated and trained to
5 provide non-custom therapeutic shoes and non-custom
6 multi-density inserts. This includes patient assessment,
7 formulation of a plan, implementation of the treatment plan,
8 follow-up, and practice management.

9 "§34-25A-4.

10 "(a) A licensed prosthetist, licensed orthotist, or
11 licensed prosthetist/orthotist may provide services utilizing
12 new prostheses or orthoses for which he or she is licensed and
13 only under a written order from an authorized health care
14 practitioner. A consultation with and periodic review by an
15 authorized health care practitioner is not required for the
16 evaluation, repair, adjusting, or servicing of a prosthesis by
17 a licensed prosthetist, or licensed prosthetist/orthotist and
18 for the evaluation, repair, adjusting, or servicing of an
19 orthosis by a licensed orthotist, or licensed
20 prosthetist/orthotist; nor is an order from an authorized
21 health care practitioner required for maintenance or
22 replacement of an orthosis or prosthesis to the level of its
23 original prescription for an indefinite period of time if the
24 original order remains appropriate for the patient's medical
25 needs.

26 "(b) Prosthetists and orthotists must refer persons
27 receiving service to authorized health care practitioners if

1 they have reasonable cause to believe symptoms or conditions
2 are present that require services beyond the scope of their
3 practice or for which the prescribed prosthetic or orthotic
4 service is contraindicated.

5 "(c) An orthotic supplier may engage in one or more
6 of the following: Evaluating, measuring, designing,
7 fabricating, assembling, fitting, adjusting, servicing,
8 repairing, replacing, or delivering non-custom orthoses. An
9 orthotic supplier may provide non-custom orthoses in
10 hospitals, rehabilitation facilities, physician's offices,
11 physician's clinics, or other sites as required. An orthotic
12 supplier shall provide non-custom orthoses based on a written
13 prescription from an authorized health care practitioner and
14 under the supervision of such authorized health care
15 practitioner.

16 "§34-25A-5.

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

22 "(b) In order to obtain a license as a prosthetist,
23 orthotist, or prosthetist/orthotist in this state, an
24 applicant shall be a citizen of the United States or, if not a
25 citizen of the United States, a person who is legally present
26 in the United States with appropriate documentation from the
27 federal government, and shall do the following:

1 "(1) File a written application on forms to be
2 developed and approved by the board. The applicant shall meet
3 at least one of the following requirements after a one-year
4 grandfather period:

5 "a. The applicant shall possess a baccalaureate
6 degree in orthotics and prosthetics from a college or
7 university accredited by a regional accrediting agency and
8 complete 1,900 hours per discipline sought of directed
9 employment under the supervision of a certified/licensed
10 prosthetist, a certified/licensed orthotist or a
11 certified/licensed prosthetist/orthotist in an accredited
12 facility, and be certified as a prosthetist, orthotist, or
13 prosthetist/orthotist by a nationally recognized certifying
14 board in orthotics and prosthetics accredited by the National
15 Commission for Certifying Agencies (NCCA), or such other
16 national agency as approved by the board, in the discipline or
17 disciplines for which the application is made.

18 "b. The applicant shall possess a baccalaureate
19 degree from a regionally accredited college or university and
20 have successfully completed a post-baccalaureate certificate
21 course approved by the board and completed 1,900 hours of
22 directed employment per discipline in which license is sought
23 under the supervision of a certified/licensed prosthetist, a
24 certified/licensed orthotist, or a certified/licensed
25 prosthetist/orthotist in an accredited facility, and be
26 certified by a nationally recognized certifying board in
27 prosthetics or orthotics accredited by the National Commission

1 for Certifying Agencies (NCCA), or such other national agency
2 as approved by the board, in the discipline or disciplines for
3 which application is made.

4 "c. The applicant shall possess an associate's
5 degree from a regionally accredited college or university,
6 junior college, or community college and have successfully
7 completed postsecondary coursework in anatomy, physiology,
8 physics, biology, chemistry, algebra, and calculus and have
9 worked under the supervision of a certified/licensed
10 prosthetist, a certified/licensed orthotist, or a
11 certified/licensed prosthetist/orthotist for not less than
12 four consecutive years of the past six years in an accredited
13 facility, and be certified by a nationally recognized
14 certifying board in prosthetics or orthotics accredited by the
15 National Commission for Certifying Agencies (NCCA), or such
16 other national agency as may be approved by the board.

17 "d. The applicant shall have successfully completed
18 postsecondary coursework in anatomy, physiology, physics,
19 biology, chemistry, algebra, and calculus and have worked
20 under the supervision of a certified/licensed prosthetist, a
21 certified/licensed orthotist, or a certified/licensed
22 prosthetist/orthotist for not less than eight years of the
23 last 12 years and be certified as a prosthetist, orthotist, or
24 prosthetist/orthotist by a nationally recognized board
25 accredited by the National Commission for Certifying Agencies
26 (NCCA), or such national agency as may be approved by the

1 board, in the discipline or disciplines for which application
2 is made.

3 "(2) Any applicant after the first year following
4 the board's issuance of applications shall meet the
5 requirements of paragraph a., b., or d. of subdivision (1) of
6 subsection (b) prior to receiving a license as a prosthetist,
7 an orthotist, or a prosthetist/orthotist.

8 "(c) In order to obtain a license as a pedorthist in
9 this state, an applicant shall be a citizen of the United
10 States or, if not a citizen of the United States, a person who
11 is legally present in the United States with appropriate
12 documentation from the federal government, and shall file a
13 written application on forms to be developed and approved by
14 the board. Applicants shall be in good standing as a certified
15 pedorthist with an entity accredited by the National
16 Commission for Certifying Agencies.

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

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

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

8 "(e) The board shall grant a license without an
9 examination for those qualified applicants who apply within
10 one year of the issuance of application forms by the board.
11 For purposes of this subsection, qualified applicants are
12 those who possess current credentials as a Certified
13 Prosthetist, Certified Orthotist, or Certified
14 Prosthetist/Orthotist issued by the American Board for
15 Certification in Orthotics and Prosthetics, Incorporated, or
16 the Board for Orthotist/Prosthetist Certification as a
17 prosthetist, orthotist, or prosthetist/orthotist.

18 "(f) The board may issue a 12-month temporary
19 license as a prosthetist, an orthotist, a pedorthist, or a
20 prosthetist/orthotist to persons who have applied for
21 licensure and are awaiting examination. The temporary license
22 is renewable once for a six-month period if the applicant
23 fails to pass the examination at the first sitting.

24 "(g) The board shall grant a license as a
25 prosthetist, an orthotist, a prosthetist/orthotist, or
26 pedorthist to an applicant in possession of a current license
27 as a prosthetist, orthotist, prosthetist/orthotist, or

1 pedorthist in another state or territory of the United States
2 without examination if the board determines that the
3 credentialing standards set by the other state or territory
4 are substantially equivalent to the standards set by the board
5 for this state.

6 "(h) No person may represent himself or herself as a
7 licensed prosthetist, licensed orthotist, licensed
8 prosthetist/orthotist, or licensed pedorthist, use a title or
9 description of services, or engage in the practice of
10 prosthetics, orthotics, or pedorthics without applying for
11 licensure, meeting the required qualifications, and being
12 licensed by the board unless otherwise exempted by this
13 chapter. A person not licensed with the board may not
14 represent himself or herself as being so licensed and may not
15 use, in connection with his or her name, the words licensed
16 orthotist, orthotist, licensed prosthetist, prosthetist,
17 licensed prosthetist/orthotist, prosthetist/orthotist,
18 licensed pedorthist, pedorthist, licensed orthotic fitter,
19 orthotic fitter, licensed mastectomy fitter, mastectomy
20 fitter, licensed therapeutic shoe fitter, therapeutic shoe
21 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"
22 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F." or other
23 letters, words, signs, numbers, or insignia indicating or
24 implying that he or she is either a licensed prosthetist, a
25 licensed orthotist, a licensed prosthetist/orthotist, a
26 licensed pedorthist, a licensed mastectomy fitter, a licensed
27 therapeutic shoe fitter, or a licensed orthotic fitter in the

1 State of Alabama without first having a valid license. The
2 license shall be posted in a conspicuous location at the
3 person's work site.

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

6 "(1) The practice of prosthetics, orthotics, or
7 pedorthics by individuals authorized and performing services
8 within their authorized scopes of practice as adopted by the
9 State of Alabama Legislature including, but not limited to,
10 authorized health care practitioners, doctors of podiatry,
11 chiropractors, physical therapists, and occupational
12 therapists licensed in this state.

13 "(2) The practice of prosthetics, orthotics, or
14 pedorthics by an individual employed by, or in the service of
15 the government of the United States of America while engaged
16 in the performance of duties prescribed by the laws of the
17 United States of America.

18 "(3) The practice of prosthetics, orthotics, or
19 pedorthics by any person not licensed as a prosthetist,
20 orthotist, prosthetist/orthotist, orthotic fitter, therapeutic
21 shoe fitter, or pedorthist in accordance with this chapter who
22 is employed in a diagnostic laboratory, hospital,
23 rehabilitation facility, or authorized health care
24 practitioner's office or as a medical lab technician or
25 technologist whose function is to administer treatment or
26 perform diagnostic procedures confined to that laboratory or

1 office under the direction of an authorized health care
2 practitioner.

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

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

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

15 "(7) The practice of pharmacy by an individual
16 subject to Chapter 23 of this title.

17 "(8) Assistance to a physician or a person employed
18 in a diagnostic laboratory, hospital, rehabilitation facility,
19 or authorized health care practitioner's office or as a
20 medical lab technician or technologist whose function is to
21 administer treatment or perform diagnostic procedures confined
22 to that laboratory, hospital, rehabilitation facility, or
23 authorized healthcare practitioner's office under the
24 direction of an authorized health care practitioner by a
25 representative, employee, or agent of a manufacturer or
26 supplier of orthoses, orthosis components, or pedorthic

1 devices in the provision, fitting, wearing, or use by a
2 patient of any type of orthotic or pedorthic device.

3 "§34-25A-7.

4 "The board shall perform all the following duties:

5 "(1) Establish and publish continuing education
6 requirements such that a licensed orthotist or a licensed
7 prosthetist or a licensed pedorthist is required to complete a
8 minimum of hours of continuing education and a licensed
9 prosthetist/orthotist is required to complete a minimum of
10 hours of continuing education in each year of a license
11 renewal period. The minimum hours provided in this subdivision
12 shall be established by a national recognized certifying board
13 accredited by the National Commission for Certifying Agencies
14 (NCCA), or such other national agency as approved by the
15 board.

16 "(2) Examine for, approve, deny, revoke, suspend,
17 reinstate, and renew licensure accreditation or registration
18 of duly qualified applicants and develop, promulgate, and
19 establish fines, penalties, and requirements for reinstatement
20 of licensure, accreditation, or registration.

21 "(3) Receive applications, issue licenses,
22 accreditations, or registrations to applicants who have met
23 the requirements for licensure, accreditation, or
24 registration, and deny licenses, accreditations, or
25 registrations to applicants who do not meet the minimum
26 qualifications.

1 "(4) Hire administrative, clerical, investigative,
2 and other staff as needed to implement this chapter and hire
3 individuals licensed under this chapter to serve as examiners
4 for any practical examinations required by the board either
5 within the state classified service or not within it.

6 "(5) Promulgate and publish rules and regulations in
7 accordance with the Administrative Procedure Act to administer
8 this chapter. Any rule or regulation defining the scope of
9 practice or permissible activities of a licensed orthotist,
10 licensed prosthetist, or a licensed prosthetist/orthotist or a
11 registered orthotic supplier shall be published jointly with
12 the State Board of Medical Examiners.

13 "(6) Develop and promulgate requirements and
14 establish fees for the licensure of mastectomy fitters,
15 orthotic fitters, therapeutic shoe fitters, orthotic
16 assistants, prosthetic assistants, or prosthetic/orthotic
17 assistants. Such licenses shall be regulated and issued by the
18 board.

19 "(7) Prepare and administer, or approve the
20 preparation and administration of, examinations for applicants
21 for licensure.

22 "§34-25A-11.

23 "(a) The board shall issue an orthotic, prosthetic,
24 or prosthetic/orthotic license or an orthotic supplier
25 ~~registration~~ license to any person who meets the
26 qualifications required by this chapter and who pays the
27 respective fees fixed by the board.

1 (b) Any person who is issued a license as an
2 orthotic, prosthetic, or prosthetic/orthotic practitioner or
3 orthotic assistant, prosthetic assistant, or
4 prosthetic/orthotic assistant under this chapter may use the
5 words licensed orthotist, licensed prosthetist, licensed
6 prosthetist/orthotist, licensed orthotist assistant, licensed
7 prosthetist assistant, or licensed prosthetist/orthotist
8 assistant, or the letters "L.O.," "L.P.," "L.P.O.," "L.O.A.,"
9 "LPed," "L.P.A.," ~~or~~ "L.P.O.A.," "L.M.F.," "L.O.F.," or
10 "L.T.S.F." in connection with his or her name to denote his or
11 her licensure. Any person issued ~~registration~~ a license as an
12 orthotic supplier under this chapter may use the words
13 ~~registered~~ licensed orthotic supplier or the letters ~~"R.O.S."~~
14 "L.O.S." in connection with his or her name to denote his or
15 her registration.

16 (c) A license ~~or registration~~ issued under this
17 chapter shall be subject to annual or semiannual renewal as
18 prescribed by rule or regulation duly promulgated and
19 published by the board."

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 07-FEB-12

Read for the second time and placed
on the calendar..... 16-FEB-12

Read for the third time and passed
as amended..... 14-MAR-12

Yeas 90, Nays 0, Abstains 1

Greg Pappas
Clerk