

1 SB4
2 210455-4
3 By Senator Beasley
4 RFD: Healthcare
5 First Read: 11-JAN-22
6 PFD: 06/09/2021

1 SB4

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4 ENROLLED, An Act,

5 Relating to the State Board of Prosthetists and
6 Orthotists; to amend Section 34-25A-3 of the Code of Alabama
7 1975, to further define an orthosis for the purposes of the
8 Prothetics and Orthotics Act.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 34-25A-3 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§34-25A-3.

13 "As used in this chapter, the following terms shall
14 have the following meanings:

15 "(1) ACCREDITED FACILITY. A facility where
16 prosthetic, orthotic, prosthetic and orthotic, or pedorthic
17 care is provided to patients needing such care and has met the
18 requirements of the board for such designation. The board
19 shall require that all accredited facilities meet the
20 requirements of a national certifying board, recognized by the
21 state board in prosthetics, orthotics, and pedorthics
22 accredited by the National Commission for Certifying Agencies
23 (NCCA) in the discipline or disciplines for which the
24 application is made and meet any other requirements of the
25 board. The requirements may include custom and non-custom

1 items the board may determine are necessary to perform quality
2 care and are typical in the course of business.

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

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

15 "(4) BOARD. The Alabama State Board of Prosthetists
16 and Orthotists.

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

19 "(6) MASTECTOMY FITTER. A health care professional
20 who is specifically educated and trained in the provision of
21 breast prostheses and post-mastectomy services, including
22 patient assessment, formulation of a treatment plan,
23 implementation of the treatment plan, and follow-up and
24 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, or custom-fitted
9 definitive brace or support that is designed for long-term
10 use. 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. A
17 custom-fitted orthosis is an orthotic device that is required
18 to be assembled or modified, or both, by a person licensed
19 under this chapter for a specific patient in order to achieve
20 proper fit, comfort, and function for the specific patient.
21 Except for the treatment of scoliosis, orthosis does not
22 include ~~prefabricated or~~ direct formed or off-the-shelf
23 orthotic devices, as defined in this subdivision and does not
24 include any of the following items: ~~Commercially available~~
25 ~~knee orthoses used following injury or surgery; upper~~ Upper

1 extremity adaptive equipment; finger splints; leather wrist
2 gauntlets; face masks used following burns; wheelchair seating
3 that is an integral part of the wheelchair and not worn by the
4 patient independent of the wheelchair; fabric or elastic
5 supports; corsets; arch supports, also known as non-custom or
6 prefabricated orthotics; low-temperature formed plastic
7 splints; trusses; elastic hose; canes; crutches; cervical
8 collars; dental appliances, and other similar devices as
9 determined by the board, such as those commonly carried in
10 stock by a pharmacy, hospital, rehabilitation facility,
11 department store, corset shop, or surgical supply facility.
12 ~~Prefabricated orthoses, also known as custom-fitted or~~
13 ~~off-the-shelf, are devices that are~~ An off-the-shelf orthotic
14 device is an orthotic device that is manufactured as a
15 commercially available ~~items for no particular patient, but~~
16 ~~those devices that can be formed or shaped by a person~~
17 ~~licensed under this chapter are considered custom made~~ item
18 designed for any patient to be self-adjusting without the need
19 for assembly or modification for the specific patient by
20 anyone other than the patient. Direct-formed orthoses are
21 devices formed or shaped during the molding process directly
22 on the patient's body or body segment.

23 "(9) ORTHOTIC FITTER. A health care practitioner,
24 licensed with the board, who is specifically educated and
25 trained in the provision of certain orthoses, including

1 patient assessment, formulation of a treatment plan,
2 follow-up, and practice management, consistent with nationally
3 recognized programs accredited by the National Commission for
4 Certifying Agencies (NCCA).

5 "(10) ORTHOTICS. The science and practice of
6 evaluating, measuring, designing, fabricating, assembling,
7 fitting, adjusting, or servicing, as well as providing the
8 initial training necessary to accomplish the fitting of, an
9 orthosis for the support, correction, or alleviation of
10 neuromuscular or musculoskeletal dysfunction, disease, injury,
11 or deformity. The practice of orthotics encompasses
12 evaluations and consultation and continuing care, with basic
13 observational gait and posture analysis. Orthotists assess the
14 need for and measure, design, manufacture, and fit orthoses to
15 maximize function and provide not only the support but the
16 alignment necessary to either prevent or correct deformity or
17 to improve the safety and efficiency of mobility or
18 locomotion, or both. Orthotic practice includes periodic
19 evaluation and consultation to assess its effect on the
20 patient's tissue and assure proper fit and function of the
21 orthotic device.

22 "(11) ORTHOTIC SUPPLIER. A person registered with
23 the board who is employed by or has a contractual relationship
24 with a manufacturer of orthoses or orthosis components and who
25 has complied with the registration requirements of the board.

1 "(12) ORTHOTIST. A person licensed to practice
2 orthotics under this chapter.

3 "(13) ORTHOTIST ASSISTANT. A person licensed under
4 terms to be defined by the board and employed by the same
5 agency as his or her licensed referring evaluator.

6 "(14) PEDORTHIC DEVICE. Custom therapeutic shoes,
7 diabetic shoes if prescribed by an authorized health care
8 practitioner for the treatment of partial or complete
9 amputation of the foot, foot ulceration, pre-ulcerative
10 callous, or foot deformity, shoe modifications made for
11 therapeutic purposes, partial foot prostheses, and foot
12 orthoses and orthoses for use from the knee and below used for
13 the treatment or alleviation, or both, of a condition that has
14 its origin in the foot. A pedorthic device, custom or
15 non-custom, addresses a medical condition of the foot below
16 the ankle and is prescribed by an authorized health care
17 practitioner.

18 "(15) PEDORTHICS. The design, manufacture,
19 modification, or fit of custom shoes, orthoses, and pedorthic
20 devices to prevent or alleviate foot problems caused by
21 disease, congenital defect, overuse, or injury.

22 "(16) PEDORTHIST. A person who is licensed to
23 practice pedorthics under this chapter.

1 "(17) PHYSICAL THERAPIST/PHYSICAL THERAPIST
2 ASSISTANT/PHYSICAL THERAPIST TECHNICIAN. A person who is
3 licensed to practice as defined in Section 34-24-191.

4 "(18) PHYSICIAN. A person who is a doctor of
5 medicine or a doctor of osteopathy licensed to practice.

6 "(19) PODIATRIST. A person licensed or authorized to
7 practice podiatry pursuant to Article 6 of Chapter 24.

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

19 "(21) PROSTHETICS. The science and practice of
20 evaluating, measuring, designing, fabricating, assembling,
21 fitting, aligning, adjusting, or servicing, as well as
22 providing the initial education necessary to accomplish the
23 wearing and use of a prosthesis, through the replacement of
24 external parts of a human body lost due to amputation or
25 congenital deformities or absences. The practice of

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

17 "(22) PROSTHETIST. A person who is licensed to
18 practice prosthetics under this chapter.

19 "(23) PROSTHETIST ASSISTANT. A person licensed under
20 terms to be defined by the board and employed by the same
21 agency as his or her licensed referring evaluator.

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

24 "(25) THERAPEUTIC SHOE FITTER. A health care
25 professional who is licensed by the board and who is

1 specifically educated and trained to provide non-custom
2 therapeutic shoes and non-custom multi-density inserts. This
3 includes patient assessment, formulation of a plan,
4 implementation of the treatment plan, follow-up, and practice
5 management."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB4

Senate 08-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 02-MAR-22

By: Senator Beasley