

**SB18 ENROLLED**



1 VM7YLP-2  
2 By Senators Beasley, Jones  
3 RFD: Healthcare  
4 First Read: 07-Mar-23  
5 2023 Regular Session



**SB18 Enrolled**

1 Enrolled, An Act,

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4 SYNOPSIS:

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A BILL

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TO BE ENACTED

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AN ACT

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Relating to the State Board of Prothetists and

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Orthotists; to amend Sections 34-25A-3, 34-25A-5, and 34-25A-8

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of the Code of Alabama 1975, to require national boards making

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certifications to the state board relating to the practice of

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prosthetists and orthotists to be approved by the state board;

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to delete requirements relating to accreditation of national

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boards by the National Commission for Certifying Agencies; and

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to ratify any prior action of the state board in conformance

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with this act prior to the effective date of this act.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Sections 34-25A-3, 34-25A-5, and 34-25A-8 of

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the Code of Alabama 1975, are amended to read as follows:

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"§34-25A-3

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As used in this chapter, the following terms ~~shall~~ have

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the following meanings:

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(1) ACCREDITED FACILITY. A facility where prosthetic,

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orthotic, prosthetic and orthotic, or pedorthic care is

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provided to patients needing such care and has met the

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requirements of the board for such designation. The board

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shall require that all accredited facilities meet the



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29 requirements of a national certifying board, recognized by the  
30 state board in prosthetics, orthotics, and pedorthics.  
31 ~~accredited by the National Commission for Certifying Agencies~~  
32 ~~(NCCA) in the discipline or disciplines for which the~~  
33 ~~application is made and meet any other requirements of the~~  
34 ~~board.~~ The requirements may include custom and non-custom  
35 items the board may determine are necessary to perform quality  
36 care and are typical in the course of business.

37 (2) ACCREDITED PEDORTHIC FACILITY. A facility where  
38 pedorthic care may be provided that has met the requirements  
39 of the board for such designation. An accredited pedorthic  
40 facility shall contain a site that includes at least the  
41 following equipment: Sanding/grinding equipment suitable for  
42 use, an oven for plastics and foams used in the fabrication of  
43 pedorthic devices, and a vacuum device for forming pedorthic  
44 devices.

45 (3) AUTHORIZED HEALTH CARE PRACTITIONER. A physician  
46 licensed to practice medicine or a person licensed or  
47 authorized to practice podiatry pursuant to Article 6  
48 (commencing with Section 34-24-230) of Chapter 24.

49 (4) BOARD. The Alabama State Board of Prosthetists and  
50 Orthotists.

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

53 (6) MASTECTOMY FITTER. A health care professional who  
54 is specifically educated and trained in the provision of  
55 breast prostheses and post-mastectomy services, including  
56 patient assessment, formulation of a treatment plan,



57 implementation of the treatment plan, and follow-up and  
58 practice management, which is consistent with ~~nationally~~  
59 ~~recognized~~ national programs ~~which are accredited by the~~  
60 ~~National Commission for Certifying Agencies (NCCA)~~ approved by  
61 the state board.

62 (7) OCCUPATIONAL THERAPIST/OCCUPATIONAL THERAPIST  
63 ASSISTANT/OCCUPATIONAL THERAPIST AIDE. A person who is  
64 licensed as an occupational therapist, or occupational  
65 therapist assistant, or occupational therapist aide as defined  
66 in Section 34-39-3.

67 (8) ORTHOSIS. A custom-fabricated, definitive brace or  
68 support that is designed for long-term use. Custom-fabricated  
69 orthoses, also known as custom-made orthoses, are devices  
70 designed and made from raw materials or commercially available  
71 components for a specific patient and require the generation  
72 of an image, form, or mold that replicates the patient's body  
73 or body segment and involves the rectification of dimensions,  
74 contours, and volumes to achieve proper fit, comfort, and  
75 function for that specific patient. Except for the treatment  
76 of scoliosis, orthosis does not include prefabricated or  
77 direct-formed orthotic devices, as defined in this subdivision  
78 and does not include any of the following items: Commercially  
79 available knee orthoses used following injury or surgery;  
80 upper extremity adaptive equipment; finger splints; leather  
81 wrist gauntlets; face masks used following burns; wheelchair  
82 seating that is an integral part of the wheelchair and not  
83 worn by the patient independent of the wheelchair; fabric or  
84 elastic supports; corsets; arch supports, also known as



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85 non-custom or prefabricated orthotics; low-temperature formed  
86 plastic splints; trusses; elastic hose; canes; crutches;  
87 cervical collars; dental appliances, and other similar devices  
88 as determined by the board, such as those commonly carried in  
89 stock by a pharmacy, hospital, rehabilitation facility,  
90 department store, corset shop, or surgical supply facility.  
91 Prefabricated orthoses, also known as custom-fitted or  
92 off-the-shelf, are devices that are manufactured as  
93 commercially available items for no particular patient, but  
94 those devices that can be formed or shaped by a person  
95 licensed under this chapter are considered custom made.  
96 Direct-formed orthoses are devices formed or shaped during the  
97 molding process directly on the patient's body or body  
98 segment.

99 (9) ORTHOTIC FITTER. A health care practitioner,  
100 licensed with the board, who is specifically educated and  
101 trained in the provision of certain orthoses, including  
102 patient assessment, formulation of a treatment plan,  
103 follow-up, and practice management, consistent with ~~nationally~~  
104 ~~recognized~~ national programs ~~accredited by the National~~  
105 ~~Commission for Certifying Agencies (NCCA)~~ approved by the  
106 state board.

107 (10) ORTHOTICS. The science and practice of evaluating,  
108 measuring, designing, fabricating, assembling, fitting,  
109 adjusting, or servicing, as well as providing the initial  
110 training necessary to accomplish the fitting of, an orthosis  
111 for the support, correction, or alleviation of neuromuscular  
112 or musculoskeletal dysfunction, disease, injury, or deformity.



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113 The practice of orthotics encompasses evaluations and  
114 consultation and continuing care, with basic observational  
115 gait and posture analysis. Orthotists assess the need for and  
116 measure, design, manufacture, and fit orthoses to maximize  
117 function and provide not only the support but the alignment  
118 necessary to either prevent or correct deformity or to improve  
119 the safety and efficiency of mobility or locomotion, or both.  
120 Orthotic practice includes periodic evaluation and  
121 consultation to assess its effect on the patient's tissue and  
122 assure proper fit and function of the orthotic device.

123 (11) ORTHOTIC SUPPLIER. A person registered with the  
124 board who is employed by or has a contractual relationship  
125 with a manufacturer of orthoses or orthosis components and who  
126 has complied with the registration requirements of the board.

127 (12) ORTHOTIST. A person licensed to practice orthotics  
128 under this chapter.

129 (13) ORTHOTIST ASSISTANT. A person licensed under terms  
130 to be defined by the board and employed by the same agency as  
131 his or her licensed referring evaluator.

132 (14) PEDORTHIC DEVICE. Custom therapeutic shoes,  
133 diabetic shoes if prescribed by an authorized health care  
134 practitioner for the treatment of partial or complete  
135 amputation of the foot, foot ulceration, pre-ulcerative  
136 callous, or foot deformity, shoe modifications made for  
137 therapeutic purposes, partial foot prostheses, and foot  
138 orthoses and orthoses for use from the knee and below used for  
139 the treatment or alleviation, or both, of a condition that has  
140 its origin in the foot. A pedorthic device, custom or



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141 non-custom, addresses a medical condition of the foot below  
142 the ankle and is prescribed by an authorized health care  
143 practitioner.

144 (15) PEDORTHICS. The design, manufacture, modification,  
145 or fit of custom shoes, orthoses, and pedorthic devices to  
146 prevent or alleviate foot problems caused by disease,  
147 congenital defect, overuse, or injury.

148 (16) PEDORTHIST. A person who is licensed to practice  
149 pedorthics under this chapter.

150 (17) PHYSICAL THERAPIST/PHYSICAL THERAPIST  
151 ASSISTANT/PHYSICAL THERAPIST TECHNICIAN. A person who is  
152 licensed to practice as defined in Section 34-24-191.

153 (18) PHYSICIAN. A person who is a doctor of medicine or  
154 a doctor of osteopathy licensed to practice.

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

157 (20) PROSTHESIS. A definitive artificial limb that is  
158 alignable or articulated or, in lower extremity applications,  
159 capable of bearing weight. Prosthesis means an artificial  
160 medical device that is not surgically implanted and that is  
161 used to replace a missing limb, appendage, or other external  
162 human body part and that includes an artificial limb, hand, or  
163 foot. The term does not include artificial eyes, ears, dental  
164 appliances, ostomy products, devices such as artificial  
165 breasts or eyelashes, wigs, or other devices as determined by  
166 the board that do not have a significant impact on the  
167 musculoskeletal functions of the body.

168 (21) PROSTHETICS. The science and practice of



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169 evaluating, measuring, designing, fabricating, assembling,  
170 fitting, aligning, adjusting, or servicing, as well as  
171 providing the initial education necessary to accomplish the  
172 wearing and use of a prosthesis, through the replacement of  
173 external parts of a human body lost due to amputation or  
174 congenital deformities or absences. The practice of  
175 prosthetics also includes the generation of an image, form, or  
176 mold that replicates the patient's body or body segment and  
177 that requires rectification of dimensions, contours, and  
178 volumes for use in the design and fabrication of a socket to  
179 accept a residual limb to create an artificial appendage that  
180 is designed either to support body weight or to improve or  
181 restore function or cosmesis, or both. Involved in the  
182 practice of prosthetics is observational gait analysis and  
183 clinical assessment of the requirements necessary to refine  
184 and mechanically fix the relative position of various parts of  
185 the prosthesis to maximize the function, stability, and safety  
186 of the patient. The practice of prosthetics includes  
187 evaluation, consultation, and providing continuing patient  
188 care in order to assess the effect of the prosthetic device on  
189 the patient's tissues and to assure proper fit and function of  
190 the prosthetic device.

191 (22) PROSTHETIST. A person who is licensed to practice  
192 prosthetics under this chapter.

193 (23) PROSTHETIST ASSISTANT. A person licensed under  
194 terms to be defined by the board and employed by the same  
195 agency as his or her licensed referring evaluator.

196 (24) PROSTHETIST/ORTHOTIST. A person licensed to





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197 practice prosthetists and orthotists under this chapter.

198 (25) THERAPEUTIC SHOE FITTER. A health care  
199 professional who is licensed by the board and who is  
200 specifically educated and trained to provide non-custom  
201 therapeutic shoes and non-custom multi-density inserts. This  
202 includes patient assessment, formulation of a plan,  
203 implementation of the treatment plan, follow-up, and practice  
204 management."

205 "§34-25A-5

206 (a) Except as provided in subsection (h) or (i), no  
207 person shall administer prosthetic, orthotic, or pedorthic  
208 care in this state unless licensed or registered to do so in  
209 accordance with this chapter. The board shall issue approved  
210 forms for application prior to January 1, 2003.

211 (b) In order to obtain a license as a prosthetist,  
212 orthotist, or prosthetist/orthotist in this state, an  
213 applicant shall be a citizen of the United States or, if not a  
214 citizen of the United States, a person who is legally present  
215 in the United States with appropriate documentation from the  
216 federal government, and shall do the following:

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

221 a. The applicant shall possess a baccalaureate degree  
222 in orthotics and prosthetics from a college or university  
223 accredited by a regional accrediting agency and complete 1,900  
224 hours per discipline sought of directed employment under the

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225 supervision of a certified/licensed prosthetist, a  
226 certified/licensed orthotist, or a certified/licensed  
227 prosthetist/orthotist in an accredited facility, and be  
228 certified as a prosthetist, orthotist, or  
229 prosthetist/orthotist by a ~~nationally recognized~~ national  
230 certifying board in orthotics ~~and or~~ prosthetics ~~accredited by~~  
231 ~~the National Commission for Certifying Agencies (NCCA), or~~  
232 ~~such other national agency as approved by the board, in the~~  
233 ~~discipline or disciplines for which the application is made~~  
234 approved by the state board.

235         b. The applicant shall possess a baccalaureate degree  
236 from a regionally accredited college or university and have  
237 successfully completed a post-baccalaureate certificate course  
238 approved by the board and completed 1,900 hours of directed  
239 employment per discipline in which license is sought under the  
240 supervision of a certified/licensed prosthetist, a  
241 certified/licensed orthotist, or a certified/licensed  
242 prosthetist/orthotist in an accredited facility, and be  
243 certified by a ~~nationally recognized~~ national certifying board  
244 in prosthetics or orthotics ~~accredited by the National~~  
245 ~~Commission for Certifying Agencies (NCCA), or such other~~  
246 ~~national agency as approved by the board, in the discipline or~~  
247 ~~disciplines for which application is made~~ approved by the  
248 state board.

249         c. The applicant shall possess an associate's degree  
250 from a regionally accredited college or university, junior  
251 college, or community college and have successfully completed  
252 postsecondary coursework in anatomy, physiology, physics,



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253 biology, chemistry, algebra, and calculus and have worked  
254 under the supervision of a certified/licensed prosthetist, a  
255 certified/licensed orthotist, or a certified/licensed  
256 prosthetist/orthotist for not less than four consecutive years  
257 of the past six years in an accredited facility, and be  
258 certified by a ~~nationally recognized~~ national certifying board  
259 in prosthetics or orthotics ~~accredited by the National~~  
260 ~~Commission for Certifying Agencies (NCCA), or such other~~  
261 ~~national agency as may be~~ approved by the state board.

262 d. The applicant shall have successfully completed  
263 postsecondary coursework in anatomy, physiology, physics,  
264 biology, chemistry, algebra, and calculus and have worked  
265 under the supervision of a certified/licensed prosthetist, a  
266 certified/licensed orthotist, or a certified/licensed  
267 prosthetist/orthotist for not less than eight years of the  
268 last 12 years and be certified as a prosthetist, orthotist, or  
269 prosthetist/orthotist by a ~~nationally recognized~~ national  
270 certifying board ~~accredited by the National Commission for~~  
271 ~~Certifying Agencies (NCCA), or such national agency as may be~~  
272 ~~approved by the board, in the discipline or disciplines for~~  
273 ~~which application is made~~ approved by the state board.

274 (2) Any applicant after the first year following the  
275 board's issuance of applications shall meet the requirements  
276 of subdivision (1) of subsection (b) prior to receiving a  
277 license as a prosthetist, an orthotist, or a  
278 prosthetist/orthotist.

279 (c) In order to obtain a license as a pedorthist in  
280 this state, an applicant shall be a citizen of the United



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281 States or, if not a citizen of the United States, a person who  
282 is legally present in the United States with appropriate  
283 documentation from the federal government, and shall file a  
284 written application on forms to be developed and approved by  
285 the board. Applicants shall be in good standing as a certified  
286 pedorthist with ~~an entity accredited by the National~~  
287 ~~Commission for Certifying Agencies~~ a national certifying board  
288 approved by the state board.

289 (d) In order to obtain registration as an orthotic  
290 supplier, an applicant shall be a citizen of the United States  
291 or, if not a citizen of the United States, a person who is  
292 legally present in the United States with appropriate  
293 documentation from the federal government, and shall do the  
294 following:

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

300 (2) The application forms shall be accompanied, when  
301 submitted, by attestation of employment by or contractual  
302 relationship with a manufacturer of orthoses or orthosis  
303 components whether registered with the United States Food and  
304 Drug Administration or not. Attestation shall be by notarized  
305 statement signed by the president, chief operating officer, or  
306 other designated corporate official of the employing company.

307 (e) The board shall grant a license without an  
308 examination for those qualified applicants who apply within



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309 one year of the issuance of application forms by the board.  
310 For purposes of this subsection, qualified applicants are  
311 those who possess current credentials as a Certified  
312 Prosthetist, Certified Orthotist, or Certified  
313 Prosthetist/Orthotist issued by the American Board for  
314 Certification in Orthotics and Prosthetics, Incorporated, or  
315 the Board for Orthotist/Prosthetist Certification as a  
316 prosthetist, orthotist, or prosthetist/orthotist.

317 (f) The board may issue a 12-month temporary license as  
318 a prosthetist, an orthotist, a pedorthist, or a  
319 prosthetist/orthotist to persons who have applied for  
320 licensure and are awaiting examination. The temporary license  
321 is renewable once for a six-month period if the applicant  
322 fails to pass the examination at the first sitting.

323 (g) The board shall grant a license as a prosthetist,  
324 an orthotist, a prosthetist/orthotist, or pedorthist to an  
325 applicant in possession of a current license as a prosthetist,  
326 orthotist, prosthetist/orthotist, or pedorthist in another  
327 state or territory of the United States without examination if  
328 the board determines that the credentialing standards set by  
329 the other state or territory are substantially equivalent to  
330 the standards set by the board for this state.

331 (h) No person may represent himself or herself as a  
332 licensed prosthetist, licensed orthotist, licensed  
333 prosthetist/orthotist, or licensed pedorthist, use a title or  
334 description of services, or engage in the practice of  
335 prosthetics, orthotics, or pedorthics without applying for  
336 licensure, meeting the required qualifications, and being



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337 licensed by the board unless otherwise exempted by this  
338 chapter. A person not licensed with the board may not  
339 represent himself or herself as being so licensed and may not  
340 use, in connection with his or her name, the words licensed  
341 orthotist, orthotist, licensed prosthetist, prosthetist,  
342 licensed prosthetist/orthotist, prosthetist/orthotist,  
343 licensed pedorthist, pedorthist, licensed orthotic fitter,  
344 orthotic fitter, licensed mastectomy fitter, mastectomy  
345 fitter, licensed therapeutic shoe fitter, therapeutic shoe  
346 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"  
347 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F.," or other  
348 letters, words, signs, numbers, or insignia indicating or  
349 implying that he or she is either a licensed prosthetist, a  
350 licensed orthotist, a licensed prosthetist/orthotist, a  
351 licensed pedorthist, a licensed mastectomy fitter, a licensed  
352 therapeutic shoe fitter, or a licensed orthotic fitter in the  
353 State of Alabama without first having a valid license. The  
354 license shall be posted in a conspicuous location at the  
355 person's work site.

356 (i) Nothing in this chapter shall be construed to  
357 prohibit or restrict the following:

358 (1) The practice of prosthetics, orthotics, or  
359 pedorthics by individuals authorized and performing services  
360 within their authorized scopes of practice as adopted by the  
361 Legislature including, but not limited to, authorized health  
362 care practitioners, doctors of podiatry, chiropractors,  
363 physical therapists, and occupational therapists licensed in  
364 this state.

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365 (2) The practice of prosthetics, orthotics, or  
366 pedorthics by an individual employed by, or in the service of,  
367 the government of the United States of America while engaged  
368 in the performance of duties prescribed by the laws of the  
369 United States of America.

370 (3) The practice of prosthetics, orthotics, or  
371 pedorthics by any person not licensed as a prosthetist,  
372 orthotist, prosthetist/orthotist, orthotic fitter, therapeutic  
373 shoe fitter, or pedorthist in accordance with this chapter who  
374 is employed in a hospital, rehabilitation facility, or  
375 authorized health care practitioner's office under the  
376 direction of an authorized health care practitioner.

377 (4) A person fulfilling the supervised residency or  
378 internship experience requirements described in this chapter.

379 (5) The practice of prosthetics, orthotics, or  
380 pedorthics by a clinician who is certified or licensed in  
381 another state at meetings of the Alabama Prosthetic & Orthotic  
382 Association (APOA) or similar organizations or at training  
383 events approved by the board to provide clinical services  
384 performed by a certified or licensed clinician.

385 (6) The practice of pharmacy by an individual subject  
386 to Chapter 23 of this title."

387 "§34-25A-8

388 (a) Effective October 1, 2009, the existing Alabama  
389 State Board of Prosthetists and Orthotists is abolished.  
390 Notwithstanding the foregoing, members on the board serving on  
391 October 1, 2009, shall continue to serve until their  
392 successors are appointed. Effective October 1, 2009, a new



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393 Alabama State Board of Prosthetists and Orthotists is created  
394 to administer this chapter and shall be composed of nine  
395 members as provided in this section who shall be compensated  
396 at the rate of one hundred dollars (\$100) per day plus travel  
397 expenses for each day they perform their duties. The board  
398 membership shall reflect the racial, gender, geographic, urban  
399 and rural, and economic diversity of the state and each member  
400 of the board shall be a citizen of this state. The Attorney  
401 General of the state shall act as legal advisor of the board  
402 and shall render such legal assistance as may be necessary in  
403 carrying out the provisions of this chapter.

404 (b) After October 1, 2009, members shall be appointed  
405 as follows:

406 (1) Three by the Governor of the State of Alabama two  
407 of whom shall be appointed for ~~four-year~~ four-year initial  
408 terms and one of whom shall be appointed to a ~~one-year~~  
409 one-year initial term, one of whom shall be licensed pursuant  
410 to this chapter ~~and is certified by an entity accredited by~~  
411 ~~the National Commission for Certifying Agencies (NCCA)~~; one of  
412 whom shall be a private citizen of the State of Alabama who is  
413 a consumer of orthotic or prosthetic services; and one of whom  
414 shall be a physician licensed to practice medicine in the  
415 State of Alabama.

416 (2) Two by the Lieutenant Governor of the State of  
417 Alabama one for an initial term of four years and one for an  
418 initial term of two years, both of whom shall be licensed  
419 pursuant to this chapter ~~and certified by an entity accredited~~  
420 ~~by the National Commission for Certifying Agencies (NCCA)~~.



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421 (3) Two by the Speaker of the House of Representatives  
422 of the State of Alabama for initial terms of three years, one  
423 of whom is a podiatrist licensed to practice in the State of  
424 Alabama and one of whom shall be licensed pursuant to this  
425 chapter ~~and certified by an entity accredited by the National~~  
426 ~~Commission for Certifying Agencies (NCCA).~~

427 (4) One by the President Pro Tempore of the Senate of  
428 the State of Alabama for an initial term of two years, who  
429 shall be licensed pursuant to this chapter ~~and certified by an~~  
430 ~~entity accredited by the National Commission for Certifying~~  
431 ~~Agencies (NCCA).~~

432 (5) One by the Speaker Pro Tempore of the House of  
433 Representatives of the State of Alabama for an initial term of  
434 one year who shall be licensed pursuant to this chapter ~~and~~  
435 ~~certified by an entity accredited by the National Commission~~  
436 ~~for Certifying Agencies (NCCA).~~

437 ~~(c) Regarding the board created by Act 2009-300, all~~  
438 ~~initial appointments to the board shall be made no later than~~  
439 ~~60 days after July 1, 2009.~~

440 ~~(d) Regarding the board created by Act 2009-300, the~~  
441 ~~Alabama Prosthetic and Orthotic Association shall submit its~~  
442 ~~list of nominees for initial appointments to the Governor, the~~  
443 ~~Lieutenant Governor, the Speaker of the House of~~  
444 ~~Representatives, the President Pro Tempore of the Senate, and~~  
445 ~~the Speaker Pro Tempore of the House of Representatives no~~  
446 ~~later than 15 days after July 1, 2009. Applications from~~  
447 ~~private citizens who are consumers of orthotic or prosthetic~~  
448 ~~care and from authorized health care practitioners shall be~~



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449 ~~submitted to the appointing authorities within 30 days of July~~  
450 ~~1, 2009."~~

451           Section 2. Any actions of the Alabama State Board of  
452 Prosthetists and Orthotists consistent with the requirements  
453 of this act prior to the effective date of this act are  
454 retroactively ratified and confirmed.

455           Section 3. This act shall become effective immediately  
456 following its passage and approval by the Governor, or its  
457 otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB18  
Senate 27-Apr-23  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 25-May-23

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By: Senator Beasley