



Sunset Report
**Alabama State
Board of Prosthetists
and Orthotists**
Montgomery, Alabama

October 1, 2020 through September 30, 2024

ALABAMA DEPARTMENT OF
EXAMINERS of Public Accounts

Rachel Laurie Riddle, *Chief Examiner* | 334-777-0500 | www.alexaminers.gov



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August 20, 2025

Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Committee Members:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama State Board of Prosthetists and Orthotists in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama State Board of Prosthetists and Orthotists in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Kierra Burston

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PROFILE

Purpose/Authority

The Alabama State Board of Prosthetists and Orthotists (the “Board”) was created by Act Number 2002-527, Acts of Alabama, to provide for the regulation and licensing of persons administering prosthetic and orthotic care and orthotic suppliers. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-25A-1 through 34-25A-14. Additionally, the Board is empowered to register orthotic suppliers and all facilities where prosthetic, orthotic, or prosthetic/orthotic care are provided to patients needing such care.

The following Acts passed since the last sunset review have been codified in the current statutory authority.

Act Number 2022-129, Acts of Alabama, relating to the State Board of Prosthetists and Orthotists; to amend Section 34-25A-3 of the *Code of Alabama 1975*, to further define an orthosis for the purposes of the Prosthetics and Orthotics Act. This Act became effective June 1, 2022.

Act Number 2023-326, Acts of Alabama, relating to the State Board of Prosthetists and Orthotists; to amend Sections 34-25A-3, 34-25A-5, and 34-25A-8 of the *Code of Alabama 1975*, to require national boards making certifications to the state board relating to the practice of prosthetists and orthotists to be approved by the state board; to delete requirements relating to accreditation of national boards by the National Commission for Certifying Agencies; and to ratify any prior action of the state board in conformance with this act prior to the effective date of this act. This Act became effective May 30, 2023.

<u>Characteristics</u>	
Members and Selection	<p>There are nine members appointed to the Board as follows:</p> <ul style="list-style-type: none">• Three members are appointed by the Governor:<ul style="list-style-type: none">○ One licensee of the Board,○ One consumer of orthotic or prosthetic services, and○ One physician licensed to practice medicine in the State of Alabama.• Two members are appointed by the Lieutenant Governor, both shall be licensed by the Board.• Two members are appointed by the Speaker of the House of Representatives:<ul style="list-style-type: none">○ One licensed podiatrist in the State of Alabama, and○ One who shall be licensed by the Board.• One member is appointed by the President Pro Tempore of the Senate who shall be licensed by the Board.• One member is appointed by the Speaker Pro Tempore of the House of Representatives who shall be licensed by the Board. <p><i>Code of Alabama 1975</i>, Section 34-25A-8(b)</p>

Term	<ul style="list-style-type: none"> • Members serve four-year, staggered terms. • Members shall serve until their successors are appointed and qualified. • No member shall serve more than eight consecutive years or two consecutive terms, whichever is greater. <p><i>Code of Alabama 1975</i>, Section 34-25A-9(a)</p>
Qualifications	<ul style="list-style-type: none"> • All members shall be residents of Alabama. • Six members must be licensed by the Board. • One member must be a physician licensed to practice in Alabama. • One member must be a podiatrist licensed to practice in Alabama. • One member must be a private citizen and a consumer of orthotic or prosthetic services. <p><i>Code of Alabama 1975</i>, Section 34-25A-8</p>
Consumer Representation	<p>One consumer required by law. One consumer currently serving.</p> <p><i>Code of Alabama 1975</i>, Section 34-25A-8(b)(1)</p>
Racial Representation	<p>No specific statutory requirement. Two minority members serving.</p>
Geographical Representation	<p>No specific statutory requirement.</p>
Other Representation	<p>The Board membership shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-25A-8(a)</p>
Compensation	<p>Members are compensated at the rate of \$100 per day plus travel expenses for each day they perform their duties.</p> <p><i>Code of Alabama 1975</i>, Section 34-25A-8(a)</p>
Attended Board Member Training	<p>Executive Director. Three Board Members. Two prior Board Members.</p>

<u>Operations</u>	
Administrator	<p>The Board has an administrative services contract with Total Political Solutions, LLC, to provide administrative services, facilities and equipment, and logistical support. Ronald E. Ezell serves as the Board's Executive Director. The current contract amount is \$9,828.97 per month (\$117,947.64 annually) and expires September 30, 2025.</p> <p><i>Code of Alabama 1975</i>, Section 34-25A-7(4)</p>
Location	<p>441 High Street, Suite 113 Montgomery, AL 36104</p> <p>Office Hours: Monday – Friday 8:30 a.m. to 4:30 p.m.</p>
Real Property Ownership	The Board does not own any real property.
Employees	None.
Legal Counsel	<p>Tara S. Hetzel, Assistant Attorney General, with the Attorney General's office provides legal counsel to the Board.</p> <p>The Board contracts with James F. Hampton, a private attorney, to serve as the Board's hearing officer.</p> <p>The <i>Code of Alabama 1975</i>, Section 34-25A-8(a) requires the Attorney General of the State to act as legal advisor of the Board and to render such legal assistance as may be necessary.</p>
Subpoena Power	The Board does not have subpoena power except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	<p>https://www.apob.alabama.gov/</p> <p>The website contains the Board's current statutes, rules, disciplinary actions, continuing education requirements, licensing and renewal and information and applications, and complaint forms. Additionally, there is a directory of licensees, news and info, public records information, and contact information for Board members. The website does not contain the Board's meeting minutes.</p>

<u>Financial</u>																													
Source of Funds	Licensing fees, fines, and penalties. <i>Code of Alabama 1975</i> , Section 34-25A-10																												
State Treasury	Yes, Special Revenue Fund in the State's Treasury <i>Code of Alabama 1975</i> , Section 34-25A-10																												
Required Distributions	None.																												
Unused Funds	Unused funds are retained at fiscal year-end.																												
<u>Licensure</u>																													
Licensees	<p>As of October 21, 2024:</p> <table border="1"> <thead> <tr> <th>License Type</th><th>Number</th></tr> </thead> <tbody> <tr><td>Prosthetist</td><td>24</td></tr> <tr><td>Prosthetist Assistant</td><td>1</td></tr> <tr><td>Orthotist</td><td>23</td></tr> <tr><td>Orthotist Assistant</td><td>3</td></tr> <tr><td>Orthotic Supplier</td><td>13</td></tr> <tr><td>Prosthetist/Orthotist</td><td>63</td></tr> <tr><td>Prosthetist/Orthotist Assistant</td><td>9</td></tr> <tr><td>Pedorthist</td><td>19</td></tr> <tr><td>Mastectomy Fitter</td><td>33</td></tr> <tr><td>Orthotic Fitter</td><td>80</td></tr> <tr><td>Therapeutic Shoe Fitter</td><td>22</td></tr> <tr><td>Facilities</td><td>63</td></tr> <tr> <td>Total</td><td>353</td></tr> </tbody> </table> <p><i>Source:</i> Executive Director</p>	License Type	Number	Prosthetist	24	Prosthetist Assistant	1	Orthotist	23	Orthotist Assistant	3	Orthotic Supplier	13	Prosthetist/Orthotist	63	Prosthetist/Orthotist Assistant	9	Pedorthist	19	Mastectomy Fitter	33	Orthotic Fitter	80	Therapeutic Shoe Fitter	22	Facilities	63	Total	353
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Licensure Qualifications	<p>All applicants for licensure must be a citizen of the United States or legally present in the United States.</p> <p><u>Licensed Prosthetists, Orthotists, or Prosthetists/Orthotists</u></p> <p>Applicants must meet at least one of the following requirements:</p> <ul style="list-style-type: none"> • Possess a baccalaureate degree in orthotics and prosthetics from a college or university accredited by a regional accrediting agency and complete 1,900 hours per discipline sought of directed employment under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist or a certified/licensed prosthetist/orthotist in an accredited facility, and be certified as a prosthetist, orthotist, or prosthetist/orthotist by a national certifying board in orthotics or prosthetics approved by the Board. • Possess a baccalaureate degree from a regionally accredited college or university and have successfully completed a post-baccalaureate certificate course approved by the Board and completed 1,900 hours of directed employment per discipline in which license is sought under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist, or a certified/licensed prosthetist/orthotist in an accredited facility, and be certified by a national certifying board in prosthetics or orthotics approved by the Board. • Possess an associate's degree from a regionally accredited college or university, junior college, or community college and have successfully completed postsecondary coursework in anatomy, physiology, physics, biology, chemistry, algebra, and calculus and have worked under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist, or a certified/licensed prosthetist/orthotist for not less than four consecutive years of the past six years in an accredited facility, and be certified by a national certifying board in prosthetics or orthotics approved by the Board. • Successfully complete postsecondary coursework in anatomy, physiology, physics, biology, chemistry, algebra, and calculus and have worked under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist, or a certified/licensed prosthetist/orthotist for not less than eight years of the last 12 years and be certified as a prosthetist, orthotist or prosthetist/orthotist by a national certifying board approved by the Board. <p><i>Code of Alabama 1975</i>, Section 34-25A-5(b)(1)</p> <p><u>Temporary Prosthetist, Orthotist, or Pedorthist License</u></p> <ul style="list-style-type: none"> • Persons who have applied for licensure and are awaiting examination. <p><i>Code of Alabama 1975</i>, Section 34-25A-5(f) <i>Administrative Rule</i> 746-X-2-.09</p>
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Licensure Qualifications (continued)	<p><u>Prosthetist and/or Orthotist Assistant</u></p> <ul style="list-style-type: none"> • Possess a high school diploma or GED. • Completed a 12-month orthotist or a 12-month prosthetist residency program or a 24-month orthotist/prosthetist assistant residency program under the supervision of a certified/licensed orthotist, prosthetist, or prosthetist/orthotist in an accredited facility. • Complete an orthotic-prosthetic assistant education program or other education programs approved by the Board. <p><i>Code of Alabama 1975</i>, Section 34-25A-7(6) <i>Administrative Rule</i> 746-X-5-.04</p> <p><u>Orthotic Supplier</u></p> <ul style="list-style-type: none"> • Notarized attestation of employment or contractual relationship with a manufacturer of orthoses or orthosis components whether registered with the United States Food and Drug Administration or not. <p><i>Code of Alabama 1975</i>, Section 34-25A-5(d)(2)</p> <p><u>Mastectomy Fitter</u></p> <ul style="list-style-type: none"> • Nationally certified by the American Board for Certification (ABC), the Board of Certification/Accreditation (BOC), or such other national certification agency as approved by the Board. <p><i>Code of Alabama 1975</i>, Section 34-25A-7(6) <i>Administrative Rule</i> 746-X-8-.04</p> <p><u>Therapeutic Shoe Fitters (TSF)</u></p> <ul style="list-style-type: none"> • Possess a current national certificate as a certified therapeutic shoe fitter from the American Board for Certification (ABC) or the Board of Certification/Accreditation, International (BOC) and provide documentation that they are in good standing with either the ABC or BOC and provide documentation that they are current with continuing education requirements by either the ABC or the BOC. • Applicants who are not nationally certified as a therapeutic shoe fitter must meet the following requirements for licensure: <ul style="list-style-type: none"> ○ Possess a high school diploma, GED, or college degree. ○ Successfully complete an approved therapeutic shoe fitter educational course. ○ Document 500 hours of experience for therapeutic shoe fitters experience. • Be employed with a business located in Alabama. <p><i>Code of Alabama 1975</i>, Section 34-25A-7(6) <i>Administrative Rule</i> 746-X-9-.04</p>
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<p>Licensure Qualifications (continued)</p>	<p><u>Orthotic Fitters (OF)</u></p> <ul style="list-style-type: none"> • Applicants shall possess a current national certificate as a certified orthotic fitter from the American Board for Certification (ABC) or the Board of Certification/Accreditation, International (BOC) and provide documentation that they are in good standing with either the ABC or the BOC and provide documentation that they are current with continuing education requirements by either the ABC or the BOC. • Applicants who are not nationally certified as an orthotic fitter must meet the following requirements for licensure: <ul style="list-style-type: none"> ○ Possess a high school diploma, GED, or college degree. ○ Successfully complete an approved orthotic fitter educational course. ○ Document 1,000 hours of orthotic fitter experience. • Be employed with a business located in Alabama. <p><i>Code of Alabama 1975</i>, Section 34-25A-7(6) <i>Administrative Rule</i> 746-X-10-.04</p> <p><u>Pedorthists</u></p> <ul style="list-style-type: none"> • Be in good standing as a certified pedorthist with a national certifying board approved by the Board. <p><i>Code of Alabama 1975</i>, Section 34-25A-5(c) <i>Administrative Rule</i> 746-X-7-.04</p> <p><u>Facility Accreditation</u></p> <ul style="list-style-type: none"> • All accredited facilities must meet the requirements of the Board of Orthotist/Prosthetist Certification or the American Board for Certification in Orthotics and Prosthetics. • Must be supervised by at least one licensed practitioner-in-charge in each discipline for which service is provided. The practitioner may supervise no more than 2 locations, provided they are no more than 75 miles apart. • The facility must be a permanent commercial building, licensed by local cities, counties, and other governmental entities. • The facility must have phone and regular mail service. • Must meet requirements for services provided, a patient fitting area, laboratory (workshop) areas, satellite offices, and record keeping. • Must carry general liability, malpractice, product liability as well as other insurance required by local statute or best-business practices. • Must designate one person as a compliance officer. <p><i>Administrative Rule</i> 746-X-6-.04 and 746-X-6-.05 <i>Source:</i> Executive Director</p>
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Examinations	<p>Examinations for national certification are given and administered by the American Board of Certification (ABC) and the Board of Certification/International (BOC).</p> <p>For certification as a Prosthetist, Orthotist, or a Prosthetist/Orthotist there are three types of exams available: Combined Orthotic & Prosthetic Written Multiple Choice Exam, Simulation Exam, and Clinical Patient Management Exam.</p> <p>For certification as a Prosthetic or Orthotic Assistant, Orthotic Fitter, Mastectomy Fitter, Therapeutic Shoe Fitter, or Pedorthist the applicant must take a multiple-choice examination.</p> <p>Examination fees are paid directly to the national certifying Boards.</p> <p>Written (multiple-choice) examinations and simulation examinations are administered at Measure Learning testing centers in Athens, Birmingham, Decatur, Dothan, Huntsville, Millbrook, Mobile, Montgomery, Phenix City, and Tuscaloosa.</p> <p>Clinical Patient Management examination is offered three times a year at the ABC testing center in Tampa, Florida.</p> <p>Alabama State University is the only school in Alabama that offers a Masters of Orthotics and Prosthetics program.</p> <table><tr><th colspan="4">Prosthetics / Orthotics Exams</th></tr><tr><th>Calendar Year</th><th># Taken</th><th># Passed</th><th>% Passed</th></tr><tr><td>2021</td><td>24</td><td>16</td><td>67%</td></tr><tr><td>2022</td><td>25</td><td>24</td><td>96%</td></tr><tr><td>2023</td><td>20</td><td>12</td><td>60%</td></tr><tr><td>2024</td><td>34</td><td>22</td><td>65%</td></tr></table> <table><tr><th colspan="4">Pedorthists Exams</th></tr><tr><th>Calendar Year</th><th># Taken</th><th># Passed</th><th>% Passed</th></tr><tr><td>2021</td><td>1</td><td>0</td><td>0%</td></tr><tr><td>2022</td><td>1</td><td>1</td><td>100%</td></tr><tr><td>2023</td><td>1</td><td>0</td><td>0%</td></tr><tr><td>2024</td><td>1</td><td>0</td><td>0%</td></tr></table> <p>Prosthetic and Orthotic Assistants Exams – No exams were taken for the examination period.</p>	Prosthetics / Orthotics Exams				Calendar Year	# Taken	# Passed	% Passed	2021	24	16	67%	2022	25	24	96%	2023	20	12	60%	2024	34	22	65%	Pedorthists Exams				Calendar Year	# Taken	# Passed	% Passed	2021	1	0	0%	2022	1	1	100%	2023	1	0	0%	2024	1	0	0%
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2022	1	1	100%																																														
2023	1	0	0%																																														
2024	1	0	0%																																														

Examinations (continued)	Orthotic, Therapeutic Shoe, and Mastectomy Fitters Exams			
	Calendar Year	# Taken	# Passed	% Passed
	2021	4	3	75%
	2022	1	1	100%
	2023	3	3	100%
	2024	3	3	100%
	<p><i>Code of Alabama 1975</i>, Section 34-25A-7(7) <i>Administrative Rule</i> 746-X-2-.06 <i>Source:</i> Executive Director</p>			
Reciprocity	<p>Current licensees in another state or territory of the United States may be granted a license without examination if the Board determines that the credentialing standards set by the other state or territory are substantially equivalent to the standards set by the Board for this state.</p> <p><i>Code of Alabama 1975</i>, Section 34-25A-5(g) <i>Administrative Rule</i> 746-X-2-.10</p>			
Renewals	<p>All licenses and accreditations issued by the Alabama State Board of Prosthetists and Orthotists expire on December 31st of each year and must be renewed no later than January 31st of each year.</p> <p><i>Administrative Rule</i> 746-X-2-.01</p> <p>Mastectomy Fitters, Therapeutic Shoe Fitters, and Orthotic Fitters must be renewed annually by January 1st.</p> <p><i>Administrative Rules</i> 746-X-8-.06(1), 746-X-9-.06(1), and 746-X-10-.06(1)</p> <p>72% of renewals were completed online in FY2024.</p> <p><i>Code of Alabama 1975</i>, Section 34-25A-11(c) <i>Source:</i> Executive Director</p>			
Licensee Demographics	<p>Data not collected by the Board.</p> <p><i>Source:</i> Executive Director</p>			

<p>Continuing Education</p>	<p><u>Prosthetists, Orthotists, and Prosthetists/Orthotists</u></p> <ul style="list-style-type: none"> • Must annually obtain a minimum of 1 hour of continuing education in Board approved courses on prosthetic and/or orthotic regulation and compliance with the Alabama Prosthetic and Orthotic Act and Board's rules and a minimum of 1 hour of continuing education in Board approved courses on prosthetic and/or orthotic practitioner ethics. • A minimum of 75 hours of continuing education for Single Disciplines and 100 hours of continuing education for Dual Disciplines as approved by the Board is required for each five-year period. • No more than one third (1/3) of the required hours may be completed in a distance-based continuing education format. <p><i>Administrative Rule 746-X-2-.07</i></p> <p><u>Prosthetists, Orthotists, and Prosthetists/Orthotists Assistants</u></p> <ul style="list-style-type: none"> • Annually obtain a minimum of 1 hour of continuing education in Board approved courses on orthotic assistant, prosthetic assistant, or orthotic/prosthetic assistant regulation and compliance with the Alabama Prosthetic and Orthotic Act and the Board's rule and a minimum of 1 hour in Board approved courses on prosthetic and/or orthotic assistant ethics. • A minimum of six hours of continuing education for a prosthetic assistant, orthotic assistant, or prosthetic/orthotic assistant, as approved by the Board, is required annually for license renewal. • No more than one third (1/3) of the required hours may be completed in a distance-based continuing education. <p><i>Administrative Rule 746-X-5-.05</i></p> <p><u>Pedorthist</u></p> <ul style="list-style-type: none"> • Annually obtain a minimum of 1 hour of continuing education in Board approved courses on regulation and compliance with the Alabama Prosthetic and Orthotic Act and the Board's rules and a minimum of 1 hour of continuing education in Board approved courses on ethics. • A minimum of 55 hours of continuing education for a pedorthist, as approved by the Board is required for each five-year period for license renewal. • No more than one third (1/3) of the required hours may be completed in a distance based continuing education. <p><i>Administrative Rule 746-X-7-.05</i></p>
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	<p><u>Mastectomy Fitter</u> Annually complete four hours of continuing education, two of the required hours must be in Alabama laws and ethics.</p> <p><i>Administrative Rule</i> 746-X-8-.05</p> <p><u>Therapeutic Shoe Fitter</u> Annually complete seven hours of continuing education, two of the required hours must be in Alabama Orthotic and Prosthetic law and ethics.</p> <p><i>Administrative Rule</i> 746-X-9-.05</p> <p><u>Orthotic Fitter</u> Annually complete ten hours of continuing education, two of the required hours must be in Alabama Orthotic and Prosthetic law and ethics.</p> <p><i>Administrative Rule</i> 746-X-10-.05</p> <p><i>Code of Alabama 1975</i>, Section 34-25A-7(1)</p>
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SIGNIFICANT ISSUES

Significant Issue 2025-001: The Board did not post vacancy notices to the Secretary of State's website at least forty-five days prior to the expiration of two Board members' terms that expired on September 30, 2023. As a result, potential candidates may not have received notice of vacancies and caused the Board not to receive input from all interested candidates to fill the vacancy. The *Code of Alabama 1975*, Section 36-14-17(c) states, in part, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy as follows: (1) For a vacancy scheduled to occur on the board as a result of the expiration of a term, at least 45 days before the vacancy occurs."

SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Significant Issue 2025-002: Twenty-four licensees responded to our survey and the following items were noted:

- Ten of the 24 (42%) licensees responding believe the most significant issue facing their profession is insurance and reimbursements. Additionally, 6 of the 24 (25%) believe the most significant issue facing their profession is that the licensing fees are too expensive. Further, 6 of the 24 (25%) believe the most significant issue facing their profession is non-licensed companies/individuals.
- Fifteen of the 24 (63%) licensees who responded do not believe regulation by the Board is necessary to protect the public.
- Fourteen of the 24 (58%) licensees who responded think some of the Board's laws, rules, or policies are an unnecessary restriction on the practice of their profession.
- Nine of the 24 (38%) licensees who responded do not think they are adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules and laws.

Significant Issue 2025-003: Six facilities responded to our survey and the following items were noted:

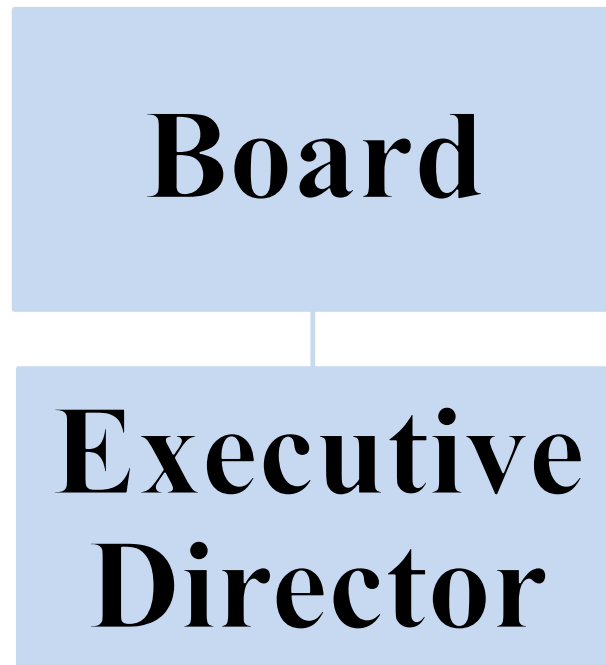
- Two of the 6 (33%) facilities responding to the survey believe the most significant issue facing the profession is insurance and reimbursements. Additionally, 2 of the 6 (33%) facilities believe that the licensing fees being too expensive is the most significant issue facing the profession.
- Three of the 6 (50%) facilities do not believe regulation by the Board is necessary to protect the public.
- Three of the 6 (50%) facilities think some of the Board's laws, rules, or policies are an unnecessary restriction on the practice of the profession.
- Two of the 6 (33%) facilities do not think they are adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules and laws.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Significant Issue 2021-01: The Board's cash balances at the end of each fiscal year are declining. The cash balance at the end of fiscal year 2017 was \$210,893.72, and the cash balance at the end of fiscal year 2020 was \$182,931.42, a decrease of \$27,962.30 (13.26%).

Current Status: Unresolved. The Board's cash balance has continued to decline. The cash balance at the end of fiscal year 2020 was \$182,931.42, and the cash balance at the end of fiscal year 2024 was \$177,394.75, a decrease of \$5,536.67 or 3.03%. The Board's expenditures exceeded the revenues collected in FY2021 by 3.19%, in FY2023 by 5.98%, and in FY2024 7.62%.

ORGANIZATION



PERSONNEL

The Board does not employ personnel. The Board contracts with Total Political Solutions, LLC for administrative services. Ronald E. Ezell serves as the Board's Executive Director. The current contract compensates Total Political Solutions, LLC \$117,947.64 annually to be paid in monthly installments of \$9,828.97. The current contract is for twelve months from October 1, 2024 and will expire September 30, 2025. The Board has the option to renew this contract for an additional 12-month period upon expiration.

Legal Counsel

The *Code of Alabama 1975*, Section 34-25A-8(a) requires the Attorney General of the state to act as legal advisor of the Board and render such legal assistance as may be necessary. Assistant Attorney General Tara S. Hetzel, an employee of the Attorney General's Office, serves as the Board's legal counsel.

Additionally, the Board contracts with James F. Hampton to provide administrative hearing officer services. The current contract is for one-year effective October 1, 2024. The pay rate is \$195.00 per hour, not to exceed \$4,500.00 per year. The contract also includes reimbursement of reasonable expenses incurred by the hearing officer, including the cost of travel, long-distance telephone calls, copying, postage and the like. The expenses should not exceed \$1,500.00 per year.

PERFORMANCE CHARACTERISTICS

Number of Licensees for the Past Four Fiscal Years

Type of License	Fiscal Year			
	2021	2022	2023	2024
Prosthetist	28	28	29	24
Orthotist	27	23	23	23
Prosthetist/Orthotist	57	61	58	63
Pedorthist	21	21	21	19
Prosthetist Assistant	1	2	1	1
Orthotist Assistant	3	3	3	3
Prosthetist/Orthotist Assistant	8	8	8	9
Mastectomy Fitter	41	39	37	33
Therapeutic Shoe Fitter	32	30	27	22
Orthotic Fitter	98	92	86	80
Temporary Orthotist		2		1
Orthotic Supplier	18	13	13	13
Facilities	62	66	62	63
Total	396	388	368	354

Operating Disbursements per Licensee (FY 2024) – \$399.43

Fines/Penalties as a Percentage of Operating Receipts

	FY 2021	FY 2022	FY 2023	FY 2024
Total Receipts	\$158,825.00	\$147,800.00	\$130,675.00	\$130,625.00
Fines	\$15,900.00	\$3,700.00	\$0.00	\$2,275.00
Percentage	10.01%	2.50%	0.00%	1.74%

Notification of Board Decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

Inspections

Inspections were conducted annually to ensure compliance with Board rules and regulations. According to the minutes of the Board's May 12, 2021 meeting, the Board decided to no longer conduct inspections in an attempt to resolve the issue of their expenses exceeding their revenues. There were thirty-seven inspections completed in fiscal year 2021. All thirty-seven passed the inspection. Facilities are still inspected by national accreditation agencies, the American Board of Certification on Orthotics, Prosthetics, and Pedorthics (ABC) and the Board of Certification/Accreditation (BOC), every three years after initial accreditation.

COMPLAINT HANDLING

The *Code of Alabama 1975*, Section 34-25A-6 provides grounds for filing a complaint and *Administrative Rules* 746-X-4-.01 through 746-X-4-.09 provide procedures for receipt, documentation, and investigation of complaints received by the Board.

Initial Contact/Documentation	Anyone can file a complaint against a licensee or accredited facility. Forms are available on the Board's website. All complaints must be in writing and signed. When a complaint is received the Board acknowledges the receipt with a letter sent to the complainant.
Anonymous Complaints Accepted	No.
Investigative Process / Probable Cause Determination	<p>Complaints are assigned to a Committee made of two Board Members and the Executive Director.</p> <p>If the Committee determines that there is probable cause to believe that an individual or entity is guilty of violating any of the professional standards set out in the Administrative Rules, then the Committee may direct that a written administrative complaint be prepared by the Executive Director directing the respondent to appear and answer the allegations of the administrative complaint. The respondent will have the opportunity to plead guilty and pay a fine set by the Committee and approved by the Board. In the event the Committee determines that probable cause does not exist, no further action will be taken and the complaint shall be considered closed.</p> <p>At any time during the course of an investigation of a complaint, the Board may, in its discretion, issue a Letter of Concern to the individual or entity who is the subject of the complaint. A Letter of Concern shall consist of private, confidential, written communication from the Board on the subject of the complaint. The purpose of the Letter of Concern is to provide notice to the applicable individual or entity that the Board has concluded that the alleged actions or conduct in question may not be in accord with the provisions of the Alabama Prosthetists and Orthotists Act, Board Rules or any other applicable law.</p>
Negotiated Settlements	Yes
Notification of Resolution to the Complainant	Complainants are notified by letter of the Board's final decision.

Source: Executive Director

Complaint Data

Schedule of Complaints Resolved Fiscal Year 2021 through 2024						
Year/Number of Complaints Received	Year/Number Resolved					Pending
	2021	2022	2023	2024	2025¹	
2021 / 0						
2022 / 1			1			
2023 / 1				1		
2024 / 0						
¹ As of October 21, 2024 Source: Executive Director						

Average Time to Resolve Complaints - 99 business days.

Disposition of Resolved Complaints – Both of the complaints received were determined to have no probable cause.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The *Code of Alabama 1975*, Section 34-25A-7(5) states, “Any rule or regulation defining the scope of practice or permissible activities of a licensed orthotist, licensed prosthetist, or a licensed prosthetist/orthotist or a registered orthotic supplier shall be published jointly with the State Board of Medical Examiners.”

The Board of Prosthetists and Orthotists is a member of the Alabama Prosthetic & Orthotic Association (APOA), the American Orthotic & Prosthetic Association (AOPA), and the National Association for the Advancement of Orthotic and Prosthetics (NAAOP).

The following are exempt from the licensure requirements of the Board’s statutes for the practice of prosthetics, orthotics, or pedorthics by an individuals authorized and performing services within their licensed or authorized scope of practice:

- Authorized health care professionals
- Doctor of Podiatry
- Chiropractors
- Physical Therapists
- Occupational Therapists

Additionally, the following individuals are not prohibited or restricted from the practice of prosthetics, orthotics, or pedorthics:

- Individuals employed by, or in the service of the United States government while engaged in the performance of duties prescribed by the laws of the United States.
- Individuals employed in a hospital, rehabilitation facility, or authorized health care practitioner's office under the direction of an authorized health care practitioner.
- A person fulfilling the supervised residency or internship experience requirements.
- A clinician who is certified or licensed in another state at meetings of the Alabama Prosthetic and Orthotic Association (APOA) or similar organizations or at training events approved by the Board to provide clinical services performed by a certified or licensed clinician.

Code of Alabama 1975 Section 34-25A-5(i)

FINANCIAL INFORMATION

Source of Funds

Application fees, license fees, fines and penalties are deposited into the Prosthetists and Orthotists Board's Special Revenue Fund maintained in the State Treasury.

Schedule of Fees

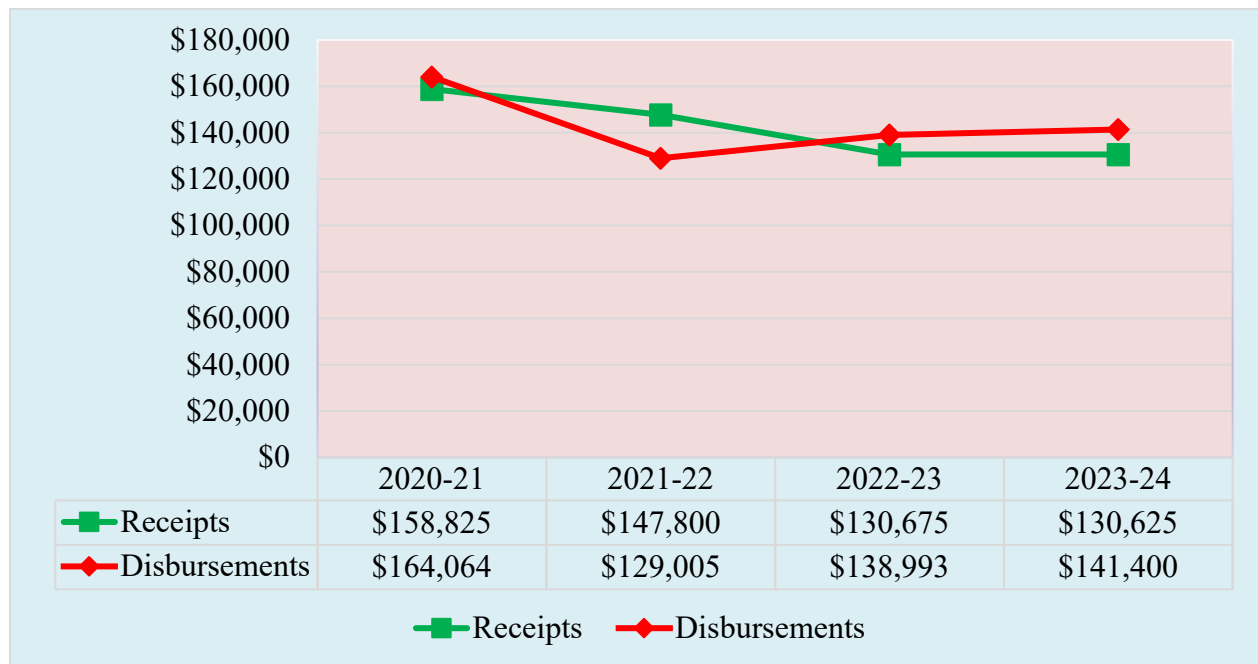
Fee Type/Purpose	Statutory Authority	Amount Authorized	Administrative Rule	Amount Collected
Application Fees				
Prosthetist Orthotists, Prosthetist/Orthotist, Prosthetist/Orthotists Assistant, Pedorthist, Mastectomy Fitters, Therapeutic Shoe Fitters, Orthotic Fitters	34-25A-12(a)	≤ \$250.00	746-X-2-.04(3)	\$175.00
Orthotic Supplier	34-25A-12(a)	≤ \$150.00	746-X-2-.04(3)	\$150.00
Accreditation per Facility	34-25A-12(a)	≤ \$350.00	746-X-6-.03(3)	\$150.00
License/Renewal Fees				
Single Discipline	34-25A-12(a) 34-25A-11(c)	≤ \$950.00	746-X-2-.04(3)	\$450.00
Dual/Multi Discipline	34-25A-12(a) 34-25A-11(c)	≤ \$950.00	746-X-2-.04(3)	\$900.00
Orthotic Supplier	34-25A-12(a) 34-25A-11(c)	≤ \$350.00	746-X-2-.04(3)	\$350.00
Accreditation per Facility	34-25A-12(a) 34-25A-11(c)	≤ \$950.00	746-X-6-.03(3)	\$250.00
Orthotist, Prosthetist Assistant	34-25A-12(a) 34-25A-7(6)	≤ \$500.00	746-X-2-.04(3)	\$250.00
Single Discipline Temporary License	34-25A-12(a) 34-25A-11(c)	≤ \$950.00	746-X-2-.04(3)	\$450.00
Dual/Multi Discipline Temporary License	34-25A-12(a) 34-25A-11(c)	≤ \$950.00	746-X-2-.04(3)	\$900.00
Mastectomy Fitters	34-25A-7(6)	Set by Board	746-X-8-.02(4) 746-X-8-.06(2)	\$125.00
Therapeutic Shoe Fitters	34-25A-7(6)	Set by Board	746-X-9-.02(4) 746-X-9-.06(2)	\$125.00
Orthotic Fitters	34-25A-7(6)	Set by Board	746-X-10-.02(4) 746-X-10-.06(2)	\$125.00
Public Records Request for document retrieval and preparation				
For the first hour (1 hour minimum)	Executive Order 734	Set by Board	746-X-1-.12(c)	\$20.00/hr.
Copies in black and white	34-25A-1	Set by Board	746-X-1-.12(c)	\$0.50 per page
Other Fees				
License Reinstatement	34-25A-7(2)	Set by Board	746-X-2-.12(1)	\$25.00
Returned Check Fee	8-8-15	Max \$30.00	746-X-2-.04(5)	\$30.00
Administrative Fine – per count	34-25A-6(b)	≤ \$1,000.00	746-X-4-.06(2)(a)	≤ \$1,000.00
Facilities Late Fee	34-25A-12(b)	Set by Board	746-X-6.03(4)	\$100.00

Schedule of Receipts, Disbursements and Balances

October 1, 2020 through September 30, 2024

	<u>2020-2021</u>	<u>2021-2022</u>	<u>2022-2023</u>	<u>2023-2024</u>
<u>Receipts</u>				
Licensure Fees	\$ 142,925.00	\$ 144,100.00	\$ 130,675.00	\$ 128,350.00
Fines and Penalties	15,900.00	3,700.00		2,275.00
Total	158,825.00	147,800.00	130,675.00	130,625.00
<u>Disbursements</u>				
Board Member Compensation	3,400.00	1,400.00	1,500.00	1,000.00
FICA Taxes	260.10	107.10	114.75	76.50
Travel, In-State	2,079.56	1,266.61	1,609.40	1,240.70
Professional Services	157,211.28	125,178.25	134,694.75	137,945.67
Supplies, Materials, and Operating Expenses	1,113.00	1,053.00	1,074.00	1,137.00
Total	164,063.94	129,004.96	138,992.90	141,399.87
Excess (Deficiency) of Receipts over Disbursements	(5,238.94)	18,795.04	(8,317.90)	(10,774.87)
Cash Balance at Beginning of Year	182,931.42	177,692.48	196,487.52	188,169.62
Cash Balance at End of Year	177,692.48	196,487.52	188,169.62	177,394.75
Reserved for Year-End Obligations	(3,010.00)	(22,984.26)	(23,449.25)	(24,291.94)
Unobligated Cash Balance at End of Year	\$ 174,682.48	\$ 173,503.26	\$ 164,720.37	\$ 153,102.81

Operating Receipts vs. Operating Disbursements

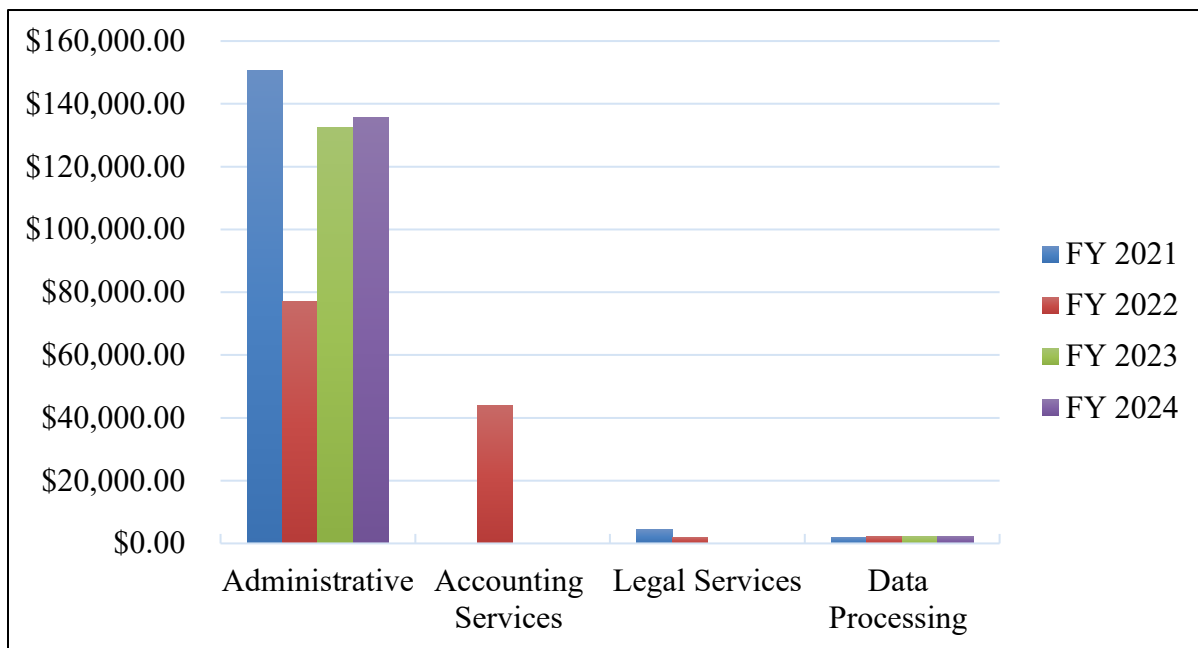


Summary Schedule of Professional Services Disbursements*

As of September 30th				
Type of Service	FY 2021	FY 2022	FY 2023	FY 2024
Administrative	\$150,784.20	\$76,993.00	\$132,568.00	\$135,617.67
Accounting Services		43,996.00		
Legal Services	4,409.43	2,006.20	51.50	
Data Processing	2,017.65	2,183.05	2,075.25	2,328.00
Total	\$157,211.28	\$125,178.25	\$134,694.75	\$137,945.67

*Detailed information presented in Appendix II of this report.

Professional Services Disbursements



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all seven members of the Board of Prosthetists and Orthotists requesting participation in our survey. One participated in our survey. The percentages are based on the number who responded to the question.

- 1. What do you consider the most significant issue(s) facing the Board of Prosthetists and Orthotists and how is the Board addressing these issues?**

Board Member #1 – “Cost of annual licensure for Orthotists/Prosthetists in AL. Budget cuts have been made.”

- 2. What, if any, changes to the Board’s laws are needed?**

Board Member #1 – “There needs to be more protection for the practitioner. The law favors the consumer, and that's good. But it offers little protection for the practitioner to prevent unlicensed individuals from practicing.”

- 3. Do you think the Board is adequately funded?**

Unknown	1	100%
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- 4. Do you think the Board is adequately staffed?**

Yes	1	100%
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- 5. Does the Board receive regular reports on its operations from the Executive Director?**

Yes	1	100%
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- 6. Has the Board experienced any significant change to its operations?**

No	1	100%
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- 7. Does the Board plan to make any significant changes to its operations?**

Unknown	1	100%
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- 8. Do you have any additional comments you would like to make?**

Board Member #1 – “n/a”

Prosthetists, Orthotists & Pedorthists Licensee Questionnaire

A letter was sent to thirty-seven licensees requesting participation in our survey. Ten participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing your profession in Alabama?

Respondent #1 – “Increasing prices and Alabama's license fees are the highest in the US.”

Respondent #2 – “Lack of reimbursement and discounted fee schedules, licensing that that seems to only pertain to licensed practitioners when “sales reps” are free to provide the same services, allowing companies to mail products from outside of the state to the patient that resides within the state of AL.”

Respondent #3 – “Medicaid reimbursements.”

Respondent #4 – “The moving target of insurance compliance laws and mandates.”

Respondent #5 – “We have double standards set on us. 1) demands a Master’s Degree, Certification, Licensing in O&P yet the current Licensure does not thwart others from applying O&P to the consumers of Alabama. It still allows fitters without Certification to see patients. It allows manufacturer’s reps with two week product specific training to see patients, Physical Therapists, Physicians can hire anyone that they like to fit O&P in their offices. These are just a few examples.”

Respondent #6 – “Reimbursement / coverage.”

Respondent #7 – “i live in oregon.”

Respondent #8 – “MD. Referral to themselves. Conflict of interest that really takes the OTC business away from our small business.”

Respondent #9 – “I believe one of the most significant challenges facing our profession is the lack of insurance coverage for custom foot orthotics. Despite the proven effectiveness of the products I create—evidenced by over 50% of my patients returning for follow-up care—insurance companies often fail to provide the necessary support, limiting our ability to help more people. Additionally, there is a notable gap in awareness among physicians about the benefits and role of custom foot orthotics, which further hinders our ability to reach those who would benefit most from these services.”

Respondent #10 – “Increasing paperwork.”

2. Do you think regulation of your profession by the Board of Prosthetists and Orthotists is necessary to protect the public welfare?

Yes	2	20%
No	8	80%

3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	7	70%
No	3	30%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	5	50%
No	4	40%
Unknown	1	10%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	9	90%
No	1	10%

6. Does the Board respond to your inquiries in a timely manner?

Yes	4	40%
Unknown	6	60%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	10	100%
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8. Do you have any additional comments you would like to make?

Respondent #1 – “The mandatory legal and ethics class is a joke. It's 2 ceu's per year and it is of no consequence. It's just another way for the board to put more money in their pocket.”

Respondent #2 – “Not sure that there is a need for a board; from what I understand there have only been a couple of complaints to the board since its inception. Our licensing fees are paying for what?”

Respondent #3 – “There are more states without State Licensure than with them. Licensure is not necessary to have a great profession. If it were, the professionals in the states with no licensure would be in disarray. I'm nationally certified and in order to get a state license, I had to be certified by another agency. I would be in agreement with the state licensing, if they stood independently and licensed clinicians themselves. However, it's not like that, so it's a waste of money cloaked with the identity of protection for the consumer.”

Respondent #4 – “Not at this time.”

Respondent #5 – “Our board seems redundant in its scope. We are already Certified by ABC and BOC from a national level that also requires us to maintain facility accreditation. As a practitioner I thought that Licensure would bring oversight of those entering our industry without the proper training, certification, or degrees. Instead the Licensure Law has turned inward and only regulates the Certified Practitioner. The average Physical Therapist gets one class of O&P training throughout four years of school. The family practice and Internal Medicine physician does not receive any O&P training! The Orthopedists only receives training through their fellowship under other physicians. This is OTJ training at best, yet ALL of these and more can practice O&P in our state. Not to mention mail order companies that ship into our state direct to the consumer and patient.”

Respondent #6 – “No.”

Respondent #7 – “no.”

Respondent #8 – “Human nature ensures there will always be those bad actors among us. The oversight our state board provides attempts to keep fraud and incompetence in check. Also an avenue to report crime in our small specialized profession.”

Respondent #9 – “I have several concerns regarding the current practices and regulations overseen by the Alabama State Board of Prosthetists and Orthotists. The requirement for prescriptions for all pedorthic interventions, even for custom devices paid for out-of-pocket, creates unnecessary barriers for consumers. Patients seeking relief for minor foot issues should have the option to purchase custom orthotics without a prescription, similar to how they can access over-the-counter medications.

Additionally, many physicians lack the training to write accurate prescriptions for orthotics, often providing vague diagnoses or simply delegating treatment decisions to licensed professionals like myself. This highlights the need for better education and clarity in the referral process.

I am also concerned about the disparity between the stringent requirements for licensed professionals versus the lack of oversight for retail establishments offering orthotic devices. Stores like [REDACTED] [REDACTED] [REDACTED] [REDACTED] operate without certified staff, undermining public safety and professional standards.

Alabama’s licensing fees for prosthetists and orthotists are the highest in the nation. I would like to understand the justification for these fees and how they are used, as they place an undue burden on practitioners in the state.

These issues call for a review of current regulations to ensure they protect public health while maintaining fair and reasonable standards for professionals.”

Respondent #10 – “The board is only there for themselves. They charge the highest license fees in the nation. and for a legal and ethics class that is useless for the for the legal aspect. They threatened to double our fees if we were late sending them out money. I have been in the orthotics and prosthetics for over fifty years. The state board for O & P does not work for the people of Alabama.

Thank you for the opportunity to comment to someone other than the state board.”

Assistant Licensee Questionnaire

A letter was sent to eleven licensees requesting participation in our survey. Two participated in the survey. The percentages are based on the number who responded to the question.

- 1. What do you consider the most significant issue(s) currently facing your profession in Alabama?**

Respondent #1 – “INABILITY TO FIND PRACTITIONERS TO WORK IN ALABAMA DUE TO OUR LICENSURE LAW.”

Respondent #2 – “The licensure law is keeping national board certified practitioners from practicing in our state.”

- 2. Do you think regulation of your profession by the Board of Prosthetists and Orthotists is necessary to protect the public welfare?**

No	2	100%
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- 3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?**

Yes	2	100%
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- 4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?**

No	2	100%
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- 5. Do you consider mandatory continuing education necessary for the competent practice of your profession?**

Yes	2	100%
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- 6. Does the Board respond to your inquiries in a timely manner?**

Yes	1	50%
No	1	50%

- 7. Has the Board performed your licensing and renewal in a timely manner?**

Yes	2	100%
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- 8. Do you have any additional comments you would like to make?**

Respondent #1 – “THE LICENSURE BOARD HAS CONTINUES TO MAKE IT HARDER TO GET QUALIFIED PRACTITIONERS TO MOVE TO THIS STATE DUE TO THE UN NEEDED EDUCATIONAL STANDARDS IMPLEMENTED BY THIS BOARD, WE HAVE A NATIONAL CERTIFYING AGENCY WHICH THIS BOARD SUPPOSEDLY FOLLOWS, WHY HAVE A STATE LEVEL BOARD THAT ONLY CREATES TERMOIL IN OUR FEILD”

Respondent #2 – “The licensure law needs to be dissolved.”

Fitters Licensee Questionnaire

A letter was sent to ninety-five licensees requesting participation in our survey. Eleven participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Reimbursement for the product.”

Respondent #2 – “Non licensed/certified provision of prosthetic/orthotic devices.”

Respondent #3 – “██████████ and ██████████ ██████████ is mailing shoes into Alabama, we have told them this was happening and nothing been done about it, this company in Florida is doing shoes here and doesn't have office or anything here in Alabama. also, these pharmacy doing shoes is not right they are not trained to do this never been to any type of school. we have also informed the board of this.”

Respondent #4 – “The fact that we have to take a bs legal and ethics class that’s less than 15 minutes online from someone who is not in the healthcare or legal field. We have to pay the same \$300 for the online course that they charge for the entire conference. The conference dates are not announced in reasonable time for people to make travel arrangements. Sack lunch is provided and I’ve paid half this much for conferences in the past and got a 4 course meal. This is an extreme hindrance to licensees, especially mastectomy fitters, as our revenues are not comparable to licensed orthotists and prosthetists who pay the same amount for legal and ethics. Additionally, the national certification renewal for mastectomy is only \$50 and CE renewals every 5 years compared to \$150 state and CE renewal every year. We have to maintain licensees, insurance (up to million dollar policies), inventory, operations, and overhead just to meet minimum guidelines and annual revenues rarely make up for that. It’s a dying profession unless things change.”

Respondent #5 – “State fees are too high. We have the highest in the country. Insurances not waiting to pay for products or paying to little for services. So we can’t meet some of our patients needs.”

Respondent #6 – “Horrible Medicaid Reimbursements.”

Respondent #7 – “Being a licensure state.”

Respondent #8 – “Na.”

Respondent #9 – “Unlicensed providers using online face as a business model.”

Respondent #10 – “THE FACT THAT (IN THE STATE OF ALABAMA) A NURSE PRACTITIONER IS NOT ALLOWED TO PRACTICE INDEPENDENTLY TO SERVE AS A CERTIFYING PHYSICIAN. MOST FACILITIES ARE RAN BY CRNP'S WITH THE MD OR DO' THERE PART TIME. IT SLOWS DOWN THE PROCESS BY NOT ALLOWING THE CRNP TO PROVIDE OR SIGN OFFICE NOTES AND STATEMENT OF CERTIFYING PHYSICIAN. IT IS THE NURSE PRACTITIONERS WHO ARE SEEING THE PATIENTS WITH A SUPERVISING PHYSICIAN SIGNING THE NOTES SAYING THAT THEY AGREE. POINTLESS. IF THE CRNP IN OTHER STATES CAN WORK INDEPENDENTLY, WHAT MAKES US THINK THAT THEY ARE NOT CAPABLE TO WORK INDEPENDENTLY IN ALL STATES ESPECIALLY WHEN THEY ARE THE BACKBONE OF THESE FACILITIES.”

Respondent #11 – “Reimbursements!”

- 2. Do you think regulation of your profession by the Board of Prosthetists and Orthotists is necessary to protect the public welfare?**

Yes	6	55%
No	5	45%

- 3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?**

Yes	5	45%
No	5	45%
Unknown	1	10%

- 4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?**

Yes	7	64%
No	3	27%
Unknown	1	9%

- 5. Do you consider mandatory continuing education necessary for the competent practice of your profession?**

Yes	10	91%
No	1	9%

- 6. Does the Board respond to your inquiries in a timely manner?**

Yes	8	73%
No	1	9%
Unknown	2	18%

- 7. Has the Board performed your licensing and renewal in a timely manner?**

Yes	10	91%
No	1	9%

8. Do you have any additional comments you would like to make?

Respondent #1 – “I believe that it would be advantageous for the license renewal to bi-annual (every two years) instead of yearly.”

Respondent #2 – “I was informed that last year a prosthetist license was given to an individual who did not have a brick and mortar in the state. This individual was driving from Georgia into Alabama to supply Prosthetic Devices. I don’t understand how that person can get a license but I have to work for a company that has a brick and mortar to get the same license.”

Respondent #3 – “I wish Medicare would put a stop on these Companies mailing shoes in here, [REDACTED] out of Florida will tell you that the mail shoes into Alabama every day, they are making money off our state without Alabama making anything off of it. this needs to be stopped I have told the board and Medicare about this nothing has been done about it, I know pt even called the board and told them [REDACTED] was going to have company out of Florida mailbox for him to step in and mail back. no pt needs to be doing that they are not qualified to do that.”

Respondent #4 – “I don’t understand why [REDACTED] [REDACTED] has not been fired. She is the most incompetent individual I’ve ever met and that’s saying a lot in Alabama. She is extremely rude, disrespectful, and completely unfit to serve in her position. She teaches the legal and ethics class with absolutely no experience in any associated field and even throws the board under the bus whenever fees are called into question. She literally told me, having a fitter’s license is like having a drivers license— something that is only renewed every 4 years for \$25 and no CE requirements. Struggling to understand the equivalency.... cause if that’s the case, why are fitters who average at best \$50k revenue (not profit) have to pay annual fees of almost \$500?? She said verbatim, “the board will never stop charging these fees because that’s their bread and butter.” Classy Alabama.”

Respondent #5 – “Since patients can report any issues to their insurance company and they look into the matter. I don’t feel the board does anything to protect the patients. I have reported people in our field for not following the state laws or having any credentials. They don’t do anything about it. The board has told us we have to follow the state laws. So they aren’t policing any company in or out of the state. I think they are over paid too.”

Respondent #6 – “Licensure in my professional opinion is not needed on a State Level being I am Nationally Certified by an accrediting body.”

Respondent #7 – “I feel the state licensure should be dissolved. Practitioners in our state and all states are governed under a national certification board. With this licensure in the state of Alabama we can not get practitioners to work here if they are not already licensed in Alabama. This was set up years ago to help the practitioner and facilities but it has really hurt us. Also the fee is so high. Practitioners are paying just as much to the state as they pay to their national board.”

Respondent #8 – “No.”

Respondent #9 – “none.”

Respondent #10 – “NO.”

Respondent #11 – “No, thank you.”

Accredited Facilities Questionnaire

A letter was sent to thirty-three licensees requesting participation in our survey. Six participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “We have enough nationally certified practitioners who by our board rules cannot practice in Alabama. Facilities do not have enough Practitioners.”

Respondent #2 – “Paying for multiple licenses.”

Respondent #3 – “In Alabama and all states. By far would be the lack of interest for private insurance companies to raise reimbursement rates for contracted providers. So, while our costs continue to rise, their premiums continue to rise, our reimbursements stay at the same level. [REDACTED] for example, their DME fee schedule is below 2007 Medicare rates. It's becoming very difficult to provide quality care to our patient population while being reimbursed almost nothing for our services.”

Respondent #4 – “License fee is too high, we are the highest paying practitioners in the Country. We need A Brick-and-Mortar law for the O&P field in Alabama which would help protect Alabamians.”

Respondent #5 – “Isolation, and insurance reimbursements”

Respondent #6 – “Out of state providers doing DME without having office in Alabama, Missing a Lobbyist, License Fees being increased,Etc Etc.”

2. Do you think regulation of your profession by the Board of Prosthetists and Orthotists is necessary to protect the public welfare?

Yes	3	50%
No	3	50%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	3	50%
No	2	33%
Unknown	1	17%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	3	50%
No	2	33%
Unknown	1	17%

5. Does the Board respond to your inquiries in a timely manner?

Yes	5	83%
Unknown	1	17%

6. Has the Board performed your licensing and renewal in a timely manner?

Yes	6	100%
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7. Do you have any additional comments you would like to make?

Respondent #1 – “Since third party health insurances and other payers require certified practitioners. Why do we need a state oversight. ABC and BOC requirements are sufficient in my opinion.”

Respondent #2 – “Board Licensure is a money grab. Our licenses are higher than nurses, and they can administer a wrong medication that could kill someone instantly.”

Respondent #3 – “not at this time.”

Respondent #4 – “The individuals currently sitting on the board are all good people, my issue is that our law was copied and pasted from the Ohio law. I feel that the current law needs to be looked at to make sure that it's not antiquated and outdated. Our primary focus should be to protect the consumer but in doing that I think we could also help protect the practitioner.”

Respondent #5 – “I feel that the benefits I receive from the board is grossly underwhelming considering the fee amount.”

Respondent #6 – “Need another grandfather clause to be able to get more Revenue. Practitioners (Pros Assistants/Techs/Fitters practicing in Alabama last five years (have to prove that) License them & that way State of AL will have more practitioners & more revenue. Just a thought.”

Suppliers Questionnaire

A letter was sent to ten suppliers requesting participation in our survey. One participated in the survey. The percentages are based on the number who responded to the question.

- 1. What do you consider the most significant issue(s) currently facing your profession in Alabama?**

Respondent #1 – “Insurance fee schedules.”

- 2. Do you think regulation of your profession by the Board of Prosthetists and Orthotists is necessary to protect the public’s welfare?**

Yes 1 100%

- 3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?**

No 1 100%

- 4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?**

Yes 1 100%

- 5. Does the Board respond to your inquiries in a timely manner?**

Yes 1 100%

- 6. Has the Board performed your licensing and renewal in a timely manner?**

Yes 1 100%

- 7. Do you have any additional comments you would like to make?**

Respondent #1 – “Not at this time”

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APPENDICES

Appendix I: Applicable Statutes

Section 34-25A-1 Purpose.

The Legislature declares that in order to safeguard the health, safety, and welfare of the people of Alabama against the unauthorized, unqualified, and improper administration of prosthetic and orthotic care, it is necessary to provide for the licensing and regulation of persons offering prosthetic and orthotic services to the public.

(Act 2002-527, p. 1376, §1.)

Section 34-25A-2 Short title.

This chapter shall be known as the Prosthetics and Orthotics Act.

(Act 2002-527, p. 1376, §2.)

Section 34-25A-3 Definitions.

As used in this chapter, the following terms have the following meanings:

(1) ACCREDITED FACILITY. A facility where prosthetic, orthotic, prosthetic and orthotic, or pedorthic care is provided to patients needing such care and has met the requirements of the board for such designation. The board shall require that all accredited facilities meet the requirements of a national certifying board, recognized by the state board in prosthetics, orthotics, and pedorthics. The requirements may include custom and non-custom items the board may determine are necessary to perform quality care and are typical in the course of business.

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

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

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

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

(6) MASTECTOMY FITTER. A health care professional who is specifically educated and trained in the provision of breast prostheses and post-mastectomy services, including patient assessment, formulation of a treatment plan, implementation of the treatment plan, and follow-up and practice management, which is consistent with national programs approved by the state board.

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

(8) **ORTHOSIS.** A custom-fabricated, definitive brace or support that is designed for long-term use. Custom-fabricated orthoses, also known as custom-made orthoses, are devices designed and made from raw materials or commercially available components for a specific patient and require the generation of an image, form, or mold that replicates the patient's body or body segment and involves the rectification of dimensions, contours, and volumes to achieve proper fit, comfort, and function for that specific patient. Except for the treatment of scoliosis, orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this subdivision and does not include any of the following items: Commercially available knee orthoses used following injury or surgery; upper extremity adaptive equipment; finger splints; leather wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; arch supports, also known as non-custom or prefabricated orthotics; low-temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances, and other similar devices as determined by the board, such as those commonly carried in stock by a pharmacy, hospital, rehabilitation facility, department store, corset shop, or surgical supply facility. Prefabricated orthoses, also known as custom-fitted or off-the-shelf, are devices that are manufactured as commercially available items for no particular patient, but those devices that can be formed or shaped by a person licensed under this chapter are considered custom made. Direct-formed orthoses are devices formed or shaped during the molding process directly on the patient's body or body segment.

(9) **ORTHOTIC FITTER.** A health care practitioner, licensed with the board, who is specifically educated and trained in the provision of certain orthoses, including patient assessment, formulation of a treatment plan, follow-up, and practice management, consistent with national programs approved by the state board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Act 2002-527, p. 1376, §3; Act 2003-275, p. 645, §1; Act 2006-302, p. 628, §1; Act 2009-300, p. 510, §1; Act 2011-553, p. 1022, §1; Act 2013-422, p. 1680, §2; Act 2022-129, §1; Act 2023-326, §1.)

Section 34-25A-4 Referral and consultation limits.

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

(b) Prosthetists and orthotists must refer persons receiving service to authorized health care practitioners if they have reasonable cause to believe symptoms or conditions are present that require services beyond the scope of their practice or for which the prescribed prosthetic or orthotic service is contraindicated.

(c) An orthotic supplier may engage in one or more of the following: Evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, repairing, replacing, or delivering orthoses. An orthotic supplier may provide orthoses in hospitals, rehabilitation facilities, physician's offices, physician's clinics, or other sites as required. An orthotic supplier shall provide orthoses based on a written prescription from an authorized health care practitioner and under the supervision of such authorized health care practitioner.

(d) No person licensed under this chapter shall provide services to a patient without being in the physical presence of the patient.

(Act 2002-527, p. 1376, §4; Act 2013-422, p. 1680, §2.)

Section 34-25A-5 Application for licensure or registration

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

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

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

a. The applicant shall possess a baccalaureate degree in orthotics and prosthetics from a college or university accredited by a regional accrediting agency and complete 1,900 hours per discipline sought of directed employment under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist or a certified/licensed prosthetist/orthotist in an accredited facility, and be certified as a prosthetist, orthotist, or prosthetist/orthotist by a national certifying board in orthotics or prosthetics approved by the state board.

b. The applicant shall possess a baccalaureate degree from a regionally accredited college or university and have successfully completed a post-baccalaureate certificate course approved by the board and completed 1,900 hours of directed employment per discipline in which license is sought under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist, or a certified/licensed prosthetist/orthotist in an accredited facility, and be certified by a national certifying board in prosthetics or orthotics approved by the state board.

c. The applicant shall possess an associate's degree from a regionally accredited college or university, junior college, or community college and have successfully completed postsecondary coursework in anatomy, physiology, physics, biology, chemistry, algebra, and calculus and have worked under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist, or a certified/licensed prosthetist/orthotist for not less than four consecutive years of the past six years in an accredited facility, and be certified by a national certifying board in prosthetics or orthotics approved by the state board.

d. The applicant shall have successfully completed postsecondary coursework in anatomy, physiology, physics, biology, chemistry, algebra, and calculus and have worked under the supervision of a certified/licensed prosthetist, a certified/licensed orthotist, or a certified/licensed prosthetist/orthotist for not less than eight years of the last 12 years and be certified as a prosthetist, orthotist, or prosthetist/orthotist by a national certifying board approved by the state board.

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

(c) In order to obtain a license as a pedorthist in this state, an applicant shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall file a written application on forms to be developed and approved by the board. Applicants shall be in good standing as a certified pedorthist with a national certifying board approved by the state board.

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

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

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

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

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

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

(h) No person may represent himself or herself as a licensed prosthetist, licensed orthotist, licensed prosthetist/orthotist, or licensed pedorthist, use a title or description of services, or engage in the practice of prosthetics, orthotics, or pedorthics without applying for licensure, meeting the required qualifications, and being licensed by the board unless otherwise exempted by this chapter. A person not licensed with the board may not represent himself or herself as being so licensed and may not use, in connection with his or her name, the words licensed orthotist, orthotist, licensed prosthetist, prosthetist, licensed prosthetist/orthotist, prosthetist/orthotist, licensed pedorthist, pedorthist, licensed orthotic fitter, orthotic fitter, licensed mastectomy fitter, mastectomy fitter, licensed therapeutic shoe fitter, therapeutic shoe fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed," "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F." or other letters, words, signs, numbers, or insignia indicating or implying that he or she is either a licensed prosthetist, a licensed orthotist, a licensed prosthetist/orthotist, a licensed pedorthist, a licensed mastectomy fitter, a licensed therapeutic shoe fitter, or a licensed orthotic fitter in the State of Alabama without first having a valid license. The license shall be posted in a conspicuous location at the person's work site.

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

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

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

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

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

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

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

(Act 2002-527, p. 1376, §5; Act 2003-275, p. 649, §1; Act 2006-302, p. 628, §1; Act 2009-300, p. 510, §1; Act 2010-145, p. 206, §3; Act 2011-553, p. 1022, §1; Act 2013-422, p. 1680, §2; Act 2015-68, p. 251, §1; Act 2018-151, §1; Act 2018-159, §1; Act 2023-326, §1.)

Section 34-25A-6 Disciplinary actions.

(a) The board may invoke disciplinary action as outlined in subsection (b) whenever it establishes to the satisfaction of the board, after a hearing as provided in Sections 41-22-1 through 41-22-17, the Alabama Administrative Procedure Act, that any person or entity to whom a license, registration, accreditation, or renewal thereof has been issued is guilty of any of the following:

- (1) Fraud, deceit, or misrepresentation in obtaining any license, registration, accreditation, or renewal thereof or money or other thing of value.
- (2) Gross immorality.
- (3) Being an habitual user of intoxicants or drugs rendering the person unfit for the practice of prosthetics, orthotics, or pedorthics.
- (4) Conviction of a felony or a misdemeanor involving moral turpitude.
- (5) Gross negligence in the practice of prosthetics, orthotics, or pedorthics.
- (6) Employing, allowing, or permitting any unlicensed person to perform any work in his or her office or facility which, under this chapter, may only be legally performed by a person holding a required license or registration.
- (7) Violating any rule adopted by the board.
- (8) Violating any provision of this chapter.
- (9) Has had his or her license or registration to practice prosthetics, orthotics, or pedorthics or accreditation from another state subject to discipline for acts similar to those described in this subsection. A certified copy of the discipline from the state imposing the same shall be conclusive evidence thereof.
- (10) Irregularities in billing an insurance company or other third-party payor for services rendered. Irregularities shall include reporting charges for the purpose of obtaining a total payment in excess of that usually received for the services rendered, falsely reporting treatment dates for the purpose of obtaining payments, falsely reporting charges for services not rendered, or falsely reporting services rendered for the purpose of obtaining payment.
- (11) Unprofessional conduct as defined by rule of the board.

(b) When the board finds any person or entity to whom a license, registration, accreditation, or renewal thereof is issued guilty of any of the grounds set forth in subsection (a), it may enter an order imposing one or more of the following penalties:

- (1) Refuse to issue or deny any license, registration, accreditation, or renewal thereof.
- (2) Revoke or suspend any license, registration, accreditation, or renewal thereof issued or required by the board.
- (3) Enter a censure.
- (4) Enter an order fixing a period of probation best adapted to protect the public health and safety and for rehabilitation.
- (5) Impose an administrative fine not to exceed one thousand dollars (\$1,000) for each count or separate offense.
- (6) Impose the costs of any investigation or disciplinary proceeding.
- (7) Impose restrictions on the scope of practice.
- (8) Impose peer review or professional education requirements.

(c) Failure to comply with any final or consent order of the board, including, but not limited to, an order of censure or probation, is cause for suspension or revocation.

(Act 2002-527, p. 1376, §6; Act 2009-300, p. 510, §1.)

Section 34-25A-7 Duties of board.

The board shall perform all the following duties:

- (1) Establish and publish continuing education requirements for persons licensed in this chapter.
- (2) Examine for, approve, deny, revoke, suspend, reinstate, and renew licensure accreditation or registration of duly qualified applicants and develop, promulgate, and establish fines, penalties, and requirements for reinstatement of licensure, accreditation, or registration.
- (3) Receive applications, issue licenses, accreditations, or registrations to applicants who have met the requirements for licensure, accreditation, or registration, and deny licenses, accreditations, or registrations to applicants who do not meet the minimum qualifications.
- (4) Hire administrative, clerical, investigative, and other staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations required by the board either within the state classified service or not within it.
- (5) Promulgate and publish rules and regulations in accordance with the Administrative Procedure Act to administer this chapter. Any rule or regulation defining the scope of practice or permissible activities of a licensed orthotist, licensed prosthetist, or a licensed prosthetist/orthotist or a registered orthotic supplier shall be published jointly with the State Board of Medical Examiners.
- (6) Develop and promulgate requirements and establish fees for the licensure of mastectomy fitters, orthotic fitters, therapeutic shoe fitters, orthotic assistants, prosthetic assistants, or prosthetic/orthotic assistants. Such licenses shall be regulated and issued by the board.
- (7) Prepare and administer, or approve the preparation and administration of, examinations for applicants for licensure.

(Act 2002-527, p. 1376, §7; Act 2006-159, p. 232, §3; Act 2006-302, p. 628, §1; Act 2009-300, p. 510, §1; Act 2011-553, p. 1022, §1; Act 2013-422, p. 1680, §2.)

Section 34-25A-8 Alabama State Board of Prosthetists and Orthotists.

(a) Effective October 1, 2009, the existing Alabama State Board of Prosthetists and Orthotists is abolished. Notwithstanding the foregoing, members on the board serving on October 1, 2009, shall continue to serve until their successors are appointed. Effective October 1, 2009, a new Alabama State Board of Prosthetists and Orthotists is created to administer this chapter and shall be composed of nine members as provided in this section who shall be compensated at the rate of one hundred dollars (\$100) per day plus travel expenses for each day they perform their duties. The board membership shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state and each member of the board shall be a resident of this state. The Attorney General of the state shall act as legal advisor of the board and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.

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

- (1) Three by the Governor of the State of Alabama, two of whom shall be appointed for four-year initial terms and one of whom shall be appointed to a one-year initial term, one of whom shall be licensed pursuant to this chapter; one of whom shall be a private resident of the State of Alabama who is a consumer of orthotic or prosthetic services; and one of whom shall be a physician licensed to practice medicine in the State of Alabama.
- (2) Two by the Lieutenant Governor of the State of Alabama, one for an initial term of four years and one for an initial term of two years, both of whom shall be licensed pursuant to this chapter.
- (3) Two by the Speaker of the House of Representatives of the State of Alabama for initial terms of three years, one of whom is a podiatrist licensed to practice in the State of Alabama and one of whom shall be licensed pursuant to this chapter.

(4) One by the President Pro Tempore of the Senate of the State of Alabama for an initial term of two years, who shall be licensed pursuant to this chapter.

(5) One by the Speaker Pro Tempore of the House of Representatives of the State of Alabama for an initial term of one year who shall be licensed pursuant to this chapter.

(c) Any actions of the Alabama State Board of Prosthetists and Orthotists consistent with the requirements of Act 2023-326 prior to May 30, 2023, are retroactively ratified and confirmed.

(Act 2002-527, p. 1376, §8; Act 2003-275, p. 649, §1; Act 2006-302, p. 628, §1; Act 2009-300, p. 510, §1; Act 2010-145, p. 206, §3; Act 2023-326, §§1, 2.)

Section 34-25A-9 Membership of board.

(a) Regarding the board created by Act 2009-300, initial appointments shall be staggered such that two members are appointed for one year, two members are appointed for two years, and two members appointed for three years and three members are appointed for four years. Thereafter all members shall be appointed for four-year terms. Members shall serve until their successors are appointed and qualified, provided, no member shall serve more than eight consecutive years or two consecutive terms, whichever is greater. This legislation shall not include their initial terms, and no hold-over term, under Section 34-25A-8(a), shall exceed 12 months.

(b) Upon the expiration of the initial terms and all terms of office thereafter, the appointing authorities shall appoint successors for terms of four years each. A quorum shall consist of five members.

(c) The board may employ an executive director and such other officers and employees it deems necessary, with or without regard to the state Merit System, and may set the salary and terms of employment for such officers and employees.

(Act 2002-527, p. 1376, §9; Act 2009-300, p. 510, §1.)

Section 34-25A-10 Alabama State Board of Orthotists and Prosthetists Fund.

There is established a separate special revenue trust fund in the State Treasury to be known as the Alabama State Board of Orthotists and Prosthetists Fund. All receipts and administrative fines collected by the board pursuant to this chapter shall be deposited in the fund and used only to implement and administer this chapter. The receipts shall be disbursed only by warrant of the state Comptroller, upon itemized vouchers approved by the executive director, if one is provided, otherwise by the chairperson of the board. Funds shall be withdrawn or expended pursuant to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

(Act 2002-527, p. 1376, §10.)

Section 34-25A-11 Issuance of license or registration; renewal.

(a) The board shall issue a license or registration to any person who meets the qualifications required by this chapter and who pays the respective fees fixed by the board.

(b) Any person who is issued a license as an orthotic, prosthetic, or prosthetic/orthotic practitioner or orthotic assistant, prosthetic assistant, or prosthetic/orthotic assistant under this chapter may use the words licensed orthotist, licensed prosthetist, licensed prosthetist/orthotist, licensed orthotist assistant, licensed prosthetist assistant, or licensed prosthetist/orthotist assistant, or the letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed," "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "C.M.F.," "L.C.M.F.," or "L.T.S.F." in connection with his or her name to denote his or her licensure. Any person issued a license as an orthotic supplier under this chapter may use the words licensed orthotic supplier or the letters "R.O.S." in connection with his or her name to denote his or her registration.

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

(Act 2002-527, p. 1376, §11; Act 2013-422, p. 1680, §2.)

Section 34-25A-12 Fees.

(a) The board shall promulgate rules and regulations for all licensure fees, registration fees, renewal fees, and accreditation fees. The application fee for licensure as an orthotist, prosthetist, orthotist assistant, prosthetist assistant, prosthetist/orthotist, or pedorthist shall not exceed two hundred fifty dollars (\$250) and the application fee for registration as an orthotic supplier shall not exceed one hundred fifty dollars (\$150). The application fee for accreditation shall not exceed three hundred fifty dollars (\$350) per facility. The licensure fee shall not exceed nine hundred fifty dollars (\$950) per discipline per term of license. The accreditation fee shall not exceed nine hundred fifty dollars (\$950) per term for each accredited facility. Registration fees and renewal fees shall not exceed three hundred fifty dollars (\$350) per term of registration or renewal, and all other associated assistant fees shall not exceed five hundred dollars (\$500) per term of license.

(b) Maximum fees as defined in subsection (a) may be exceeded when a late renewal fee is authorized or imposed by the board.

(c) The board may prescribe by rule that individuals who due to age or physical disability are unable to practice, who have retired from the practice, who are licensed in the state but are practicing out of state, or who are on temporary active duty with any of the Armed Forces of the United States shall be allowed to pay a renewal fee in an amount less than the amount paid by individuals in current practice. The amount shall be established by the board.

(Act 2002-527, p. 1376, §12; Act 2003-275, p. 649, §1; Act 2006-302, p. 628, §1; Act 2009-300, p. 510, §1; Act 2011-553, p. 1022, §1.)

Section 34-25A-13 Violations.

(a) Any person who practices prosthetics, orthotics, or pedorthics without first having obtained from the board a license, registration, or renewal thereof shall, upon conviction, be guilty of a Class B misdemeanor.

(b) The board may, in its own name, bring an action in circuit court for an injunction, and the court may enjoin any person from violating any provision of this chapter.

(Act 2002-527, p. 1376, §13; Act 2009-300, p. 510, §1.)

Section 34-25A-13.1 Mastectomy fitters.

Nothing in this chapter shall authorize a mastectomy fitter to engage in the practice of medicine; to diagnose, treat, or cure any human disease, illness, ailment, infirmity, pain, or other medical conditions; to perform surgery of any type or description; or to prescribe any drug or medical device.

(Act 2009-300, p. 510, §2.)

Section 34-25A-14 Applicability of Ethics Law; Sunset Law.

(a) The members of the board and all employees of the board shall be subject to the State Ethics Law, Sections 36-25-1 to 36-25-30, inclusive.

(b) The board shall be subject to the Alabama Sunset Law of 1981, and shall be classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2006, unless continued as therein provided and, if continued, the board shall be reviewed every four years thereafter.

(Act 2002-527, p. 1376, §15.)

Appendix II: Professional Services by Vendor

	FY 2021	FY 2022	FY 2023	FY 2024
<u>Administrative Services</u>				
<i>Advertising</i>				
Legislative Services Agency	\$	\$	\$ 380.00	\$
<i>Managerial Services</i>				
Total Political Solutions, LLC	150,784.20	76,993.00	131,988.00	135,617.67
<i>Inter-departmental Professional Services</i>				
Legislative Services Agency			200.00	
Total Administrative Services	150,784.20	76,993.00	132,568.00	135,617.67
<u>Accounting Services</u>				
<i>Accounting and Auditing</i>				
Total Political Solutions, LLC		43,996.00		
Total Accounting Services		43,996.00		
<u>Legal Services</u>				
<i>Attorney</i>				
James S. Ward	3,609.43	2,006.20	51.50	
<i>Hearing Officer Services</i>				
James F. Hampton	800.00			
Total Legal Services	4,409.43	2,006.20	51.50	
<u>Data Processing Services</u>				
<i>Data Processing Personnel Services- Professional</i>				
Office of Information Technology	763.50	791.75	612.25	764.50
<i>State Business Systems (SBS)</i>				
Department of Finance	358.00	326.75	185.00	201.50
<i>Comptroller Services</i>				
Department of Finance	896.15	1,064.55	1,278.00	1,362.00
Total Data Processing Services	2,017.65	2,183.05	2,075.25	2,328.00
Total Professional Services	\$157,211.28	\$125,178.25	\$134,694.75	\$137,945.67

Appendix III: Board Members

Alabama State Board of Prosthetists and Orthotists

P. O. Box 1052
Montgomery, Alabama 36101
Phone: 334-420-1111
rezell113@aol.com

October 28, 2024

To: Kierra Burston
Accounts Examiner

From: Ronald Ezell
Agency Director
Alabama State Board of Prosthetists and Orthotists

Re: Sunset Review Doc #2

Board Member Details

Dr. Johnnie Alston DPM
Term Expires: 9/30/2024
Montgomery

Monterius Hucherson
Term Expires: 9/30/2026
Talladega

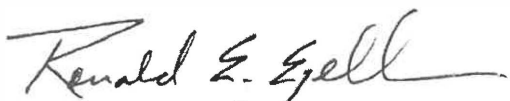
Jason Watson
Term Expires: 9/30/2027
Huntsville

Richard Partain
Term Expires: 9/30/2027
Gadsden

Antwaun Burroughs
Term Expires: 9/30/2024
Birmingham

Christopher Brian Horton
Term Expires: 9/30/2025
Hoover

Josh Richardson
Term Expires: 9/30/2026
Mobile


Executive Director

Appendix IV: Board's Response to Significant Issues

Alabama State Board of Prosthetists and Orthotists

P. O. Box 1052

Montgomery, Alabama 36101

Phone: 334-420-1111

alboardpo@outlook.com

Alabama State Board of Prosthetists and Orthotists

2025 Sunset Review

Significant Issues and Responses

Status of Prior Findings/Significant Issues and Response

Significant Issue 2025-001: The Board did not post vacancy notices to the Secretary of State's website at least forty-five days prior to the expiration of two Board members' terms that expired on September 23, 2023.

Response:

There is no denying that the Executive Director failed to post board member vacancies in a timely manner. It was an oversight by the Executive Director and he really doesn't have an excuse for the oversight.

With the work by the board's executive assistant, a corrective action plan has been implemented. We now have proper instructions and have charts of all board members' seats as well as the terms and the date and year for the end of their terms. The Executive Assistant has entered this on the computer and staff will now receive emails around August 1st notifying that the terms of particular board members are ending September 30th of that year and the Board believes this will help avoid late vacancy notices with the Secretary of State's office in the future.

Significant Issue 2025-002: Twenty-four licensees responded to our survey and the following items were noted:

Ten of the 24 (42%) licensees responding believe the most significant issue facing their profession is insurance and reimbursements. Additionally, 6 of the 24 (25%) believe the most significant issue facing their profession is that the licensing fees are too expensive. Further, 6 of the 24 (25%) believe the most significant issue facing their profession is non-licensed companies/individuals.

Fifteen of the 24 (63%) licensees who responded do not believe regulation by the Board is necessary to protect the public.

Fourteen of the 24 (58%) licensees who responded think some of the Board's laws, rules, or policies are an unnecessary restriction on the practice of their profession.

Nine of the 24 (38%) licensees who responded do not think they are adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules and laws.

Response:

Though the Board does not have jurisdiction, it is supportive of the licensees, in that, it is an issue with the orthotic and prosthetic profession as to low reimbursement rates.

As to non -licensed companies, it has to do with out-of-state mail order companies providing orthotic devices to Alabama citizens. The mail order companies will contact the citizen about the need for an orthotic device or diabetic shoes. The issue facing the Board is that these out-of-state companies will get a doctor's order then mail the device to the citizen with self-instructions for the device. With sending written instructions the out-of-state companies say the patient can fit the device themselves thus not the need for a licensed individual from their company. What happens on so many occasions is that once the citizen receives the device, they are unable to properly fit the device. The citizen then looks for an Alabama licensee to help and the licensee cannot assist them as the company who sent the device has already been paid for by a 3rd party, Medicare or other insurance carrier the citizen may have.

The Executive Director and his Executive Assistant meet with licensees each year and have discussed with them the importance of regulations to ensure that qualified individuals are licensed to serve and protect the public in need of orthotic and prosthetic care.

The Board would be more than willing to discuss with licensees' particular rules and sections of the orthotic and prosthetic law that they believe are unnecessary restrictions on the practice of the O & P profession.

As mentioned, the executive director meets with licensees at least once a year and during that time will report any amendments to the board's rules or any amendments to the orthotic and prosthetic law. The Board will also send out emails to the licensees about any changes, especially for those employees who were unable to attend the meeting where the executive director discussed the changes with the licensees.

Significant Issue 2025-003: Six facilities responded to our survey and the following items were noted:

Two of the 6 (33%) facilities responding to the survey believe the most significant issue facing the profession is insurance and reimbursements. Additionally, 2 of the 6 (33%) facilities believe that the licensing fees being too expensive is the most significant issue facing the profession.

Three of the 6 (50%) facilities do not believe regulation by the Board is necessary to protect the public.

Three of the 6 (50%) facilities think some of the board's laws, rules, or policies are an unnecessary restriction on the practice of the profession.

Two of the 6 (33%) facilities do not think they are adequately informed by the Board of changes to and interpretations of the Board's policies, rules and laws.

Response:

As with the licensee surveys, the Board working with facilities, have had conversations regarding the low reimbursement rates. I believe that Medicare has used the same reimbursement rate for orthotics and prosthetics since 2005, twenty (20) years ago. As with working with licensees, the Board does not have jurisdiction with

such reimbursement rates but it doesn't mean that the board will be as supportive as can be regarding this matter.

As to the licensing fee for facilities being too expensive, the Board was created by the legislature in 2002 and the Board began taking applications and issuing licenses and facility accreditations for facilities in 2003. At this time, the Board set the Application fee for facilities at \$175.00. The facility accreditation fee was set at \$250.00, with annual renewals being set at \$250.00. It has been twenty-two (22) years since that time and the Board has never raised the application fee, accreditation fee and renewal fee for facilities.

As with licensees, the Board has spoken with representatives of accredited facilities and has stressed to the facilities the reason for facility regulations. This has been done several times over the years. The Board wants to ensure that the facility meets the national standards for orthotic and prosthetic facilities, and the Board wants to ensure that facility staff have met all the requirements for licensure in orthotics and prosthetics. In common words, the board wants to ensure that a facility licensee knows what he/she is doing when it comes to orthotics and/or prosthetics when treating a patient.

As to unnecessary restrictions on the profession, the Board does not believe that is true but we've always had an open-door policy, and the Board is more than willing to discuss rules or law and how they may restrict the profession. A possible restriction is the educational section of the requirements for licensees as many learned about their profession by years of experience in the field, and they were grandfathered for licensure by the Board in 2003. Now for older licensees who wish to apply for another classification they are often unable to do so because they do not have the college degree or college courses to meet the current educational requirements for licensure. For many, they say due to supporting their family and working full time, they are unable and unwilling to obtain such a college degree or take certain college courses. This poses an issue with the facilities finding qualified individuals to work.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Significant Issue 2021-01: The Board's cash balances at the end of each fiscal year are declining. The cash balance at the end of fiscal year 2017 was \$210, 893.72, and the cash balance at the end of fiscal year 2020 was \$182,931.42, a decrease of \$27,962.30 (13.26%).

Current Statue: Unresolved. The Board's cash balance has continued to decline. The cash balance at the end of fiscal year 2020 was \$182, 931.42 and the cash balance at the end of fiscal year 2024 was \$177, 394.75, a decrease of \$5,536.67 or (3.03%) The Board's expenditures exceeded the revenues collected in FY 2021 by 3.19%, in FY 2023 by 5.98% and in FY 2024 7.62%.

Response:

The Board determined that the board's expenditures will remain constant or higher for FY 2025 and beyond with the board's revenues from fees fluctuating from year to year. Rather than raise license fees, the Board determined there was a need to reduce the board's most costly expenditure, Administrative Services.

The Board voted to reduce Administrative Service costs by \$1500.00 per month or \$18,000.00 per year which began October 1, 2024. With this expenditure cut, the board believes that it will receive more revenue than expenses for FY 2025.

The Board will have to closely monitor revenues and expenses each year and will make additional decisions to prevent future declines in the board's cash balance.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ronald E. Ezell", written in a cursive style.

Ronald E. Ezell
Executive Director

6/6/2025
Date