

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

1 SB135

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4 ENROLLED, An Act,

5 Relating to the Alabama Sunset Law; to continue the
6 existence and functioning of the Alabama State Board of
7 Prosthetists and Orthotists until October 1, 2011, with
8 certain modifications; to amend Sections 34-25A-5 and
9 34-25A-8, Code of Alabama 1975, as amended by Act 2009-300,
10 (Acts 2009, p. 510), so as to require that applicants for
11 licensure be United States citizens or legally present in the
12 United States; to require that board members be citizens of
13 this state; and to alter and clarify appointments to the
14 board.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Pursuant to the Alabama Sunset Law, the
17 Sunset Committee recommends the continuance of the Alabama
18 State Board of Prosthetists and Orthotists until October 1,
19 2011, with the additional recommendation for statutory change
20 as set out in Section 3.

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

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

4 "§34-25A-5.

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

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

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

20 "a. The applicant shall possess a baccalaureate
21 degree in orthotics and prosthetics from a college or
22 university accredited by a regional accrediting agency and
23 complete 1,900 hours per discipline sought of directed
24 employment under the supervision of a certified/licensed
25 prosthetist, a certified/licensed orthotist or a

1 certified/licensed prosthetist/orthotist in an accredited
2 facility, and be certified as a prosthetist, orthotist, or
3 prosthetist/orthotist by a nationally recognized certifying
4 board in orthotics and prosthetics accredited by the National
5 Commission for Certifying Agencies (NCCA), or such other
6 national agency as approved by the board, in the discipline or
7 disciplines for which the application is made.

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

21 "c. The applicant shall possess an associate's
22 degree from a regionally accredited college or university,
23 junior college, or community college and have successfully
24 completed postsecondary coursework in anatomy, physiology,
25 physics, biology, chemistry, algebra, and calculus and have

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

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

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

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

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

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

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

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

21 "(d) In order to obtain registration as an orthotic
22 supplier, an applicant shall be a citizen of the United States
23 or, if not a citizen of the United States, a person who is
24 legally present in the United States with appropriate

1 documentation from the federal government, and shall do the
2 following:

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

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

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

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

1 "(2) The applicant has practiced full time as a
2 prosthetist, orthotist, or prosthetist/orthotist for five of
3 the six years prior to July 1, 2002, and has provided
4 comprehensive prosthetic, orthotic, or prosthetic/orthotic
5 care, as defined by the board in a facility that meets the
6 requirements of the board for accreditation.

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

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

22 "(h) No person may represent himself or herself as a
23 licensed prosthetist, licensed orthotist, licensed
24 prosthetist/orthotist, or licensed pedorthist, use a title or
25 description of services, or engage in the practice of

1 prosthetics, orthotics, or pedorthics without applying for
2 licensure, meeting the required qualifications, and being
3 licensed by the board unless otherwise exempted by this
4 chapter. A person not licensed with the board may not
5 represent himself or herself as being so licensed and may not
6 use, in connection with his or her name, the words licensed
7 orthotist, orthotist, licensed prosthetist, prosthetist,
8 licensed prosthetist/orthotist, prosthetist/orthotist,
9 licensed pedorthist, pedorthists, or letters "L.O.," "L.P.,"
10 "L.P.O.," "L.O.A.," "LPed," "L.P.A.," or "L.P.O.A.," or other
11 letters, words, signs, numbers, or insignia indicating or
12 implying that he or she is either a licensed prosthetist, a
13 licensed orthotist, a licensed prosthetist/orthotist, or
14 licensed pedorthist in the State of Alabama without first
15 having a valid license. The license shall be posted in a
16 conspicuous location at the person's work site.

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

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

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

6 "(3) The practice of prosthetics, orthotics, or
7 pedorthics by any person not licensed as a prosthetist,
8 orthotist, prosthetist/orthotist, or pedorthist in accordance
9 with this chapter who is employed in a diagnostic laboratory,
10 hospital, rehabilitation facility, or authorized health care
11 practitioner's office or as a medical lab technician or
12 technologist whose function is to administer treatment or
13 perform diagnostic procedures confined to that laboratory or
14 office under the direction of an authorized health care
15 practitioner.

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

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

22 "(6) A person who meets the qualifications listed in
23 paragraphs a, b, c, and d of subdivision (1) of subsection (b)
24 from performing prosthetic, orthotic, or pedorthic services in
25 this state, provided the services are not performed for more

1 than 60 days per 12-month period, after notification to the
2 board.

3 "§34-25A-8.

4 "(a) Effective October 1, 2009, the existing Alabama
5 State Board of Prosthetists and Orthotists is abolished.

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

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

22 "(1) Three by the Governor of the State of Alabama
23 two of whom shall be appointed for four year initial terms and
24 one of whom shall be appointed to a one year initial term, one
25 of whom shall be licensed pursuant to this chapter and is

1 certified by an entity accredited by the National Commission
2 for Certifying Agencies (NCCA); one of whom shall be a private
3 citizen of the State of Alabama who is a consumer of orthotic
4 or prosthetic services; and one of whom shall be a physician
5 licensed to practice medicine in the State of Alabama.

6 "(2) Two by the Lieutenant Governor of the State of
7 Alabama one for an initial term of four years and one for an
8 initial term of two years, both of whom shall be licensed
9 pursuant to this chapter and certified by an entity accredited
10 by the National Commission for Certifying Agencies (NCCA).

11 "(3) Two by the Speaker of the House of
12 Representatives of the State of Alabama for initial terms of
13 three years, one of whom is a podiatrist licensed to practice
14 in the State of Alabama and one of whom shall be licensed
15 pursuant to this chapter and certified by an entity accredited
16 by the National Commission for Certifying Agencies (NCCA).

17 "(4) One by the President Pro Tempore of the Senate
18 of the State of Alabama for an initial term of two years, who
19 shall be licensed pursuant to this chapter and certified by an
20 entity accredited by the National Commission for Certifying
21 Agencies (NCCA).

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

1 certified by an entity accredited by the National Commission
2 for Certifying Agencies (NCCA).

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

6 "(d) Regarding the board created by Act 2009-300,
7 the Alabama Prosthetic and Orthotic Association shall submit
8 its list of nominees for initial appointments to the Governor,
9 the Lieutenant Governor, the Speaker of the House of
10 Representatives, the President Pro Tempore of the Senate, and
11 the Speaker Pro Tempore of the House of Representatives no
12 later than 15 days after July 1, 2009. Applications from
13 private citizens who are consumers of orthotic or prosthetic
14 care and from authorized health care practitioners shall be
15 submitted to the appointing authorities within 30 days of July
16 1, 2009."

17 Section 4. The Legislature concurs in the
18 recommendations of the Sunset Committee as provided in
19 Sections 1, 2, and 3.

20 Section 5. This act shall become effective
21 immediately upon its passage and approval by the Governor, or
22 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB135

Senate 11-FEB-10

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

McDowell Lee
Secretary

House of Representatives
Passed: 23-FEB-10

By: Senator Dixon