

# SB18 INTRODUCED



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



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SYNOPSIS:

Under existing law, the State Board of Prosthetists and Orthotists licenses and regulates the practice of prosthetists and orthotists. Under the law, national boards that certify practitioners and facilities relating to prosthetists and orthotists to the state board are required to be accredited by the National Commission for Certifying Agencies (NCCA). The NCCA is no longer involved in the certification of national boards relating to prosthetists and orthotists.

This bill would delete the requirements that national boards that certify practitioners and facilities to the state board be accredited by the NCCA.

A BILL  
TO BE ENACTED  
AN ACT

Relating to the State Board of Prothetists 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



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29 boards by the National Commission for Certifying Agencies; and  
30 to ratify any prior action of the state board in conformance  
31 with this act prior to the effective date of this act.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Sections 34-25A-3, 34-25A-5, and 34-25A-8 of  
34 the Code of Alabama 1975, are amended to read as follows:

35 "§34-25A-3

36 As used in this chapter, the following terms ~~shall~~ have  
37 the following meanings:

38 (1) ACCREDITED FACILITY. A facility where prosthetic,  
39 orthotic, prosthetic and orthotic, or pedorthic care is  
40 provided to patients needing such care and has met the  
41 requirements of the board for such designation. The board  
42 shall require that all accredited facilities meet the  
43 requirements of a national certifying board, recognized by the  
44 state board in prosthetics, orthotics, and pedorthics.  
45 ~~accredited by the National Commission for Certifying Agencies~~  
46 ~~(NCCA) in the discipline or disciplines for which the~~  
47 ~~application is made and meet any other requirements of the~~  
48 ~~board.~~ The requirements may include custom and non-custom  
49 items the board may determine are necessary to perform quality  
50 care and are typical in the course of business.

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



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57 pedorthic devices, and a vacuum device for forming pedorthic  
58 devices.

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

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

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

67 (6) MASTECTOMY FITTER. A health care professional who  
68 is specifically educated and trained in the provision of  
69 breast prostheses and post-mastectomy services, including  
70 patient assessment, formulation of a treatment plan,  
71 implementation of the treatment plan, and follow-up and  
72 practice management, which is consistent with ~~nationally~~  
73 ~~recognized~~ national programs ~~which are accredited by the~~  
74 ~~National Commission for Certifying Agencies (NCCA)~~ approved by  
75 the state board.

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

81 (8) ORTHOSIS. A custom-fabricated, definitive brace or  
82 support that is designed for long-term use. Custom-fabricated  
83 orthoses, also known as custom-made orthoses, are devices  
84 designed and made from raw materials or commercially available



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85 components for a specific patient and require the generation  
86 of an image, form, or mold that replicates the patient's body  
87 or body segment and involves the rectification of dimensions,  
88 contours, and volumes to achieve proper fit, comfort, and  
89 function for that specific patient. Except for the treatment  
90 of scoliosis, orthosis does not include prefabricated or  
91 direct-formed orthotic devices, as defined in this subdivision  
92 and does not include any of the following items: Commercially  
93 available knee orthoses used following injury or surgery;  
94 upper extremity adaptive equipment; finger splints; leather  
95 wrist gauntlets; face masks used following burns; wheelchair  
96 seating that is an integral part of the wheelchair and not  
97 worn by the patient independent of the wheelchair; fabric or  
98 elastic supports; corsets; arch supports, also known as  
99 non-custom or prefabricated orthotics; low-temperature formed  
100 plastic splints; trusses; elastic hose; canes; crutches;  
101 cervical collars; dental appliances, and other similar devices  
102 as determined by the board, such as those commonly carried in  
103 stock by a pharmacy, hospital, rehabilitation facility,  
104 department store, corset shop, or surgical supply facility.  
105 Prefabricated orthoses, also known as custom-fitted or  
106 off-the-shelf, are devices that are manufactured as  
107 commercially available items for no particular patient, but  
108 those devices that can be formed or shaped by a person  
109 licensed under this chapter are considered custom made.  
110 Direct-formed orthoses are devices formed or shaped during the  
111 molding process directly on the patient's body or body  
112 segment.



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113 (9) ORTHOTIC FITTER. A health care practitioner,  
114 licensed with the board, who is specifically educated and  
115 trained in the provision of certain orthoses, including  
116 patient assessment, formulation of a treatment plan,  
117 follow-up, and practice management, consistent with ~~nationally~~  
118 ~~recognized~~ national programs ~~accredited by the National~~  
119 ~~Commission for Certifying Agencies (NCCA)~~ approved by the  
120 state board.

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

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



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

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

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

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

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

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

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



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

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

182 (21) PROSTHETICS. The science and practice of  
183 evaluating, measuring, designing, fabricating, assembling,  
184 fitting, aligning, adjusting, or servicing, as well as  
185 providing the initial education necessary to accomplish the  
186 wearing and use of a prosthesis, through the replacement of  
187 external parts of a human body lost due to amputation or  
188 congenital deformities or absences. The practice of  
189 prosthetics also includes the generation of an image, form, or  
190 mold that replicates the patient's body or body segment and  
191 that requires rectification of dimensions, contours, and  
192 volumes for use in the design and fabrication of a socket to  
193 accept a residual limb to create an artificial appendage that  
194 is designed either to support body weight or to improve or  
195 restore function or cosmesis, or both. Involved in the  
196 practice of prosthetics is observational gait analysis and





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197 clinical assessment of the requirements necessary to refine  
198 and mechanically fix the relative position of various parts of  
199 the prosthesis to maximize the function, stability, and safety  
200 of the patient. The practice of prosthetics includes  
201 evaluation, consultation, and providing continuing patient  
202 care in order to assess the effect of the prosthetic device on  
203 the patient's tissues and to assure proper fit and function of  
204 the prosthetic device.

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

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

210 (24) PROSTHETIST/ORTHOTIST. A person licensed to  
211 practice prosthetists and orthotists under this chapter.

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

219 "§34-25A-5

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



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

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

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

249 b. The applicant shall possess a baccalaureate degree  
250 from a regionally accredited college or university and have  
251 successfully completed a post-baccalaureate certificate course  
252 approved by the board and completed 1,900 hours of directed



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253 employment per discipline in which license is sought under the  
254 supervision of a certified/licensed prosthetist, a  
255 certified/licensed orthotist, or a certified/licensed  
256 prosthetist/orthotist in an accredited facility, and be  
257 certified by a ~~nationally recognized~~ national certifying board  
258 in prosthetics or orthotics ~~accredited by the National~~  
259 ~~Commission for Certifying Agencies (NCCA), or such other~~  
260 ~~national agency as approved by the board, in the discipline or~~  
261 ~~disciplines for which application is made~~ approved by the  
262 state board.

263 c. The applicant shall possess an associate's degree  
264 from a regionally accredited college or university, junior  
265 college, or community college and have successfully completed  
266 postsecondary coursework in anatomy, physiology, physics,  
267 biology, chemistry, algebra, and calculus and have worked  
268 under the supervision of a certified/licensed prosthetist, a  
269 certified/licensed orthotist, or a certified/licensed  
270 prosthetist/orthotist for not less than four consecutive years  
271 of the past six years in an accredited facility, and be  
272 certified by a ~~nationally recognized~~ national certifying board  
273 in prosthetics or orthotics ~~accredited by the National~~  
274 ~~Commission for Certifying Agencies (NCCA), or such other~~  
275 ~~national agency as may be~~ approved by the state board.

276 d. The applicant shall have successfully completed  
277 postsecondary coursework in anatomy, physiology, physics,  
278 biology, chemistry, algebra, and calculus and have worked  
279 under the supervision of a certified/licensed prosthetist, a  
280 certified/licensed orthotist, or a certified/licensed



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281 prosthetist/orthotist for not less than eight years of the  
282 last 12 years and be certified as a prosthetist, orthotist, or  
283 prosthetist/orthotist by a ~~nationally recognized~~ national  
284 certifying board ~~accredited by the National Commission for~~  
285 ~~Certifying Agencies (NCCA), or such national agency as may be~~  
286 ~~approved by the board, in the discipline or disciplines for~~  
287 ~~which application is made~~ approved by the state board.

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

293 (c) In order to obtain a license as a pedorthist in  
294 this state, an applicant shall be a citizen of the United  
295 States or, if not a citizen of the United States, a person who  
296 is legally present in the United States with appropriate  
297 documentation from the federal government, and shall file a  
298 written application on forms to be developed and approved by  
299 the board. Applicants shall be in good standing as a certified  
300 pedorthist with ~~an entity accredited by the National~~  
301 ~~Commission for Certifying Agencies~~ a national certifying board  
302 approved by the state board.

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



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

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

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

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



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

345 (h) No person may represent himself or herself as a  
346 licensed prosthetist, licensed orthotist, licensed  
347 prosthetist/orthotist, or licensed pedorthist, use a title or  
348 description of services, or engage in the practice of  
349 prosthetics, orthotics, or pedorthics without applying for  
350 licensure, meeting the required qualifications, and being  
351 licensed by the board unless otherwise exempted by this  
352 chapter. A person not licensed with the board may not  
353 represent himself or herself as being so licensed and may not  
354 use, in connection with his or her name, the words licensed  
355 orthotist, orthotist, licensed prosthetist, prosthetist,  
356 licensed prosthetist/orthotist, prosthetist/orthotist,  
357 licensed pedorthist, pedorthist, licensed orthotic fitter,  
358 orthotic fitter, licensed mastectomy fitter, mastectomy  
359 fitter, licensed therapeutic shoe fitter, therapeutic shoe  
360 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"  
361 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F.," or other  
362 letters, words, signs, numbers, or insignia indicating or  
363 implying that he or she is either a licensed prosthetist, a  
364 licensed orthotist, a licensed prosthetist/orthotist, a



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365 licensed pedorthist, a licensed mastectomy fitter, a licensed  
366 therapeutic shoe fitter, or a licensed orthotic fitter in the  
367 State of Alabama without first having a valid license. The  
368 license shall be posted in a conspicuous location at the  
369 person's work site.

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

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

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

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

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



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

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

401 "§34-25A-8

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

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

420 (1) Three by the Governor of the State of Alabama two





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421 of whom shall be appointed for ~~four year~~ four-year initial  
422 terms and one of whom shall be appointed to a ~~one year~~  
423 one-year initial term, one of whom shall be licensed pursuant  
424 to this chapter ~~and is certified by an entity accredited by~~  
425 ~~the National Commission for Certifying Agencies (NCCA)~~; one of  
426 whom shall be a private citizen of the State of Alabama who is  
427 a consumer of orthotic or prosthetic services; and one of whom  
428 shall be a physician licensed to practice medicine in the  
429 State of Alabama.

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

435 (3) Two by the Speaker of the House of Representatives  
436 of the State of Alabama for initial terms of three years, one  
437 of whom is a podiatrist licensed to practice in the State of  
438 Alabama and one of whom shall be licensed pursuant to this  
439 chapter ~~and certified by an entity accredited by the National~~  
440 ~~Commission for Certifying Agencies (NCCA)~~.

441 (4) One by the President Pro Tempore of the Senate of  
442 the State of Alabama for an initial term of two years, who  
443 shall be licensed pursuant to this chapter ~~and certified by an~~  
444 ~~entity accredited by the National Commission for Certifying~~  
445 ~~Agencies (NCCA)~~.

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



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449 ~~certified by an entity accredited by the National Commission~~  
450 ~~for Certifying Agencies (NCCA).~~

451 ~~(c) Regarding the board created by Act 2009-300, all~~  
452 ~~initial appointments to the board shall be made no later than~~  
453 ~~60 days after July 1, 2009.~~

454 ~~(d) Regarding the board created by Act 2009-300, the~~  
455 ~~Alabama Prosthetic and Orthotic Association shall submit its~~  
456 ~~list of nominees for initial appointments to the Governor, the~~  
457 ~~Lieutenant Governor, the Speaker of the House of~~  
458 ~~Representatives, the President Pro Tempore of the Senate, and~~  
459 ~~the Speaker Pro Tempore of the House of Representatives no~~  
460 ~~later than 15 days after July 1, 2009. Applications from~~  
461 ~~private citizens who are consumers of orthotic or prosthetic~~  
462 ~~care and from authorized health care practitioners shall be~~  
463 ~~submitted to the appointing authorities within 30 days of July~~  
464 ~~1, 2009."~~

465 Section 2. Any actions of the Alabama State Board of  
466 Prosthetists and Orthotists consistent with the requirements  
467 of this act prior to the effective date of this act are  
468 retroactively ratified and confirmed.

469 Section 3. This act shall become effective immediately  
470 following its passage and approval by the Governor, or its  
471 otherwise becoming law.