

1 SB268
2 210455-2
3 By Senator Beasley
4 RFD: Healthcare
5 First Read: 24-FEB-21

SYNOPSIS: Under existing law, the State Board of
Prosthetists and Orthotists licenses and regulates
the practice of orthotics and prosthetics.

This bill would amend the Prosthetics and
Orthotics Act to further define the term "orthosis"
to include a custom-fitted orthosis required to be
assembled or modified for a specific patient.

A BILL
TO BE ENTITLED
AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§34-25A-3.

1 "As used in this chapter, the following terms shall
2 have the following meanings:

3 "(1) ACCREDITED FACILITY. A facility where
4 prosthetic, orthotic, prosthetic and orthotic, or pedorthic
5 care is provided to patients needing such care and has met the
6 requirements of the board for such designation. The board
7 shall require that all accredited facilities meet the
8 requirements of a national certifying board, recognized by the
9 state board in prosthetics, orthotics, and pedorthics
10 accredited by the National Commission for Certifying Agencies
11 (NCCA) in the discipline or disciplines for which the
12 application is made and meet any other requirements of the
13 board. The requirements may include custom and non-custom
14 items the board may determine are necessary to perform quality
15 care and are typical in the course of business.

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

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

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

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

5 "(6) MASTECTOMY FITTER. A health care professional
6 who is specifically educated and trained in the provision of
7 breast prostheses and post-mastectomy services, including
8 patient assessment, formulation of a treatment plan,
9 implementation of the treatment plan, and follow-up and
10 practice management, which is consistent with nationally
11 recognized programs which are accredited by the National
12 Commission for Certifying Agencies (NCCA).

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

18 "(8) ORTHOSIS. A custom-fabricated~~7~~ or custom-fitted
19 definitive brace or support that is designed for long-term
20 use. Custom-fabricated orthoses, also known as custom-made
21 orthoses, are devices designed and made from raw materials or
22 commercially available components for a specific patient and
23 require the generation of an image, form, or mold that
24 replicates the patient's body or body segment and involves the
25 rectification of dimensions, contours, and volumes to achieve
26 proper fit, comfort, and function for that specific patient. A
27 custom-fitted orthosis is an orthotic device that is required

1 to be assembled or modified, or both, by a person licensed
2 under this chapter for a specific patient in order to achieve
3 proper fit, comfort, and function for the specific patient.
4 Except for the treatment of scoliosis, orthosis does not
5 include ~~prefabricated or~~ direct formed or off-the-shelf
6 orthotic devices, as defined in this subdivision and does not
7 include any of the following items: ~~Commercially available~~
8 ~~knee orthoses used following injury or surgery; upper~~ Upper
9 extremity adaptive equipment; finger splints; leather wrist
10 gauntlets; face masks used following burns; wheelchair seating
11 that is an integral part of the wheelchair and not worn by the
12 patient independent of the wheelchair; fabric or elastic
13 supports; corsets; arch supports, also known as non-custom or
14 prefabricated orthotics; low-temperature formed plastic
15 splints; trusses; elastic hose; canes; crutches; cervical
16 collars; dental appliances, and other similar devices as
17 determined by the board, such as those commonly carried in
18 stock by a pharmacy, hospital, rehabilitation facility,
19 department store, corset shop, or surgical supply facility.
20 ~~Prefabricated orthoses, also known as custom-fitted or~~
21 ~~off-the-shelf, are devices that are~~ An off-the-shelf orthotic
22 device is an orthotic device that is manufactured as a
23 commercially available ~~items for no particular patient, but~~
24 ~~those devices that can be formed or shaped by a person~~
25 ~~licensed under this chapter are considered custom made~~ item
26 designed for any patient to be self-adjusting without the need
27 for assembly or modification for the specific patient by

1 anyone other than the patient. Direct-formed orthoses are
2 devices formed or shaped during the molding process directly
3 on the patient's body or body segment.

4 "(9) ORTHOTIC FITTER. A health care practitioner,
5 licensed with the board, who is specifically educated and
6 trained in the provision of certain orthoses, including
7 patient assessment, formulation of a treatment plan,
8 follow-up, and practice management, consistent with nationally
9 recognized programs accredited by the National Commission for
10 Certifying Agencies (NCCA).

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

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

5 "(12) ORTHOTIST. A person licensed to practice
6 orthotics under this chapter.

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

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

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

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

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

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

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

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

19 "(21) PROSTHETICS. The science and practice of
20 evaluating, measuring, designing, fabricating, assembling,
21 fitting, aligning, adjusting, or servicing, as well as
22 providing the initial education necessary to accomplish the
23 wearing and use of a prosthesis, through the replacement of
24 external parts of a human body lost due to amputation or
25 congenital deformities or absences. The practice of
26 prosthetics also includes the generation of an image, form, or
27 mold that replicates the patient's body or body segment and

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

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

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

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

22 "(25) THERAPEUTIC SHOE FITTER. A health care
23 professional who is licensed by the board and who is
24 specifically educated and trained to provide non-custom
25 therapeutic shoes and non-custom multi-density inserts. This
26 includes patient assessment, formulation of a plan,

1 implementation of the treatment plan, follow-up, and practice
2 management."

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