

1 HB442
2 184249-1
3 By Representative Johnson (R)
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-APR-17

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8 SYNOPSIS: Under existing law, a person licensed to
9 perform prosthetic, orthotic, or pedorthic services
10 in another state may perform services in this state
11 for 60 days in a 12 month period after notification
12 to the board.

13 This bill would delete this exemption. The
14 bill would also add an exemption for persons
15 licensed in another state providing services at an
16 association meeting or training event.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 34-25A-5 of the Code of Alabama
23 1975, relating to the Board of Prosthetists and Orthotists, to
24 further provide for certain temporary exemptions for persons
25 licensed in another state.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 34-25A-5 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§34-25A-5.

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

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

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

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

1 board in orthotics and prosthetics accredited by the National
2 Commission for Certifying Agencies (NCCA), or such other
3 national agency as approved by the board, in the discipline or
4 disciplines for which the application is made.

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

18 "c. The applicant shall possess an associate's
19 degree from a regionally accredited college or university,
20 junior college, or community college and have successfully
21 completed postsecondary coursework in anatomy, physiology,
22 physics, biology, chemistry, algebra, and calculus and have
23 worked under the supervision of a certified/licensed
24 prosthetist, a certified/licensed orthotist, or a
25 certified/licensed prosthetist/orthotist for not less than
26 four consecutive years of the past six years in an accredited
27 facility, and be certified by a nationally recognized

1 certifying board in prosthetics or orthotics accredited by the
2 National Commission for Certifying Agencies (NCCA), or such
3 other national agency as may be approved by the board.

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

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

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

1 pedorthist with an entity accredited by the National
2 Commission for Certifying Agencies.

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

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

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

21 "(e) The board shall grant a license without an
22 examination for those qualified applicants who apply within
23 one year of the issuance of application forms by the board.
24 For purposes of this subsection, qualified applicants are
25 those who possess current credentials as a Certified
26 Prosthetist, Certified Orthotist, or Certified
27 Prosthetist/Orthotist issued by the American Board for

1 Certification in Orthotics and Prosthetics, Incorporated, or
2 the Board for Orthotist/Prosthetist Certification as a
3 prosthetist, orthotist, or prosthetist/orthotist.

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

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

19 "(h) No person may represent himself or herself as a
20 licensed prosthetist, licensed orthotist, licensed
21 prosthetist/orthotist, or licensed pedorthist, use a title or
22 description of services, or engage in the practice of
23 prosthetics, orthotics, or pedorthics without applying for
24 licensure, meeting the required qualifications, and being
25 licensed by the board unless otherwise exempted by this
26 chapter. A person not licensed with the board may not
27 represent himself or herself as being so licensed and may not

1 use, in connection with his or her name, the words licensed
2 orthotist, orthotist, licensed prosthetist, prosthetist,
3 licensed prosthetist/orthotist, prosthetist/orthotist,
4 licensed pedorthist, pedorthist, licensed orthotic fitter,
5 orthotic fitter, licensed mastectomy fitter, mastectomy
6 fitter, licensed therapeutic shoe fitter, therapeutic shoe
7 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"
8 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F." or other
9 letters, words, signs, numbers, or insignia indicating or
10 implying that he or she is either a licensed prosthetist, a
11 licensed orthotist, a licensed prosthetist/orthotist, a
12 licensed pedorthist, a licensed mastectomy fitter, a licensed
13 therapeutic shoe fitter, or a licensed orthotic fitter in the
14 State of Alabama without first having a valid license. The
15 license shall be posted in a conspicuous location at the
16 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.

26 "(2) The practice of prosthetics, orthotics, or
27 pedorthics by an individual employed by, or in the service of

1 the government of the United States of America while engaged
2 in the performance of duties prescribed by the laws of the
3 United States of America.

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

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

13 ~~"(5) A person who meets the qualifications listed in~~
14 ~~subdivision (1) of subsection (b) from performing prosthetic,~~
15 ~~orthotic, or pedorthic services in this state, provided the~~
16 ~~services are not performed for more than 60 days per 12-month~~
17 ~~period, after notification to the board. The practice of~~
18 ~~prosthetics, orthotics, or pedorthics by a clinician who is~~
19 ~~certified or licensed in another state at meetings of the~~
20 ~~Alabama Prosthetic & Orthotic Association (APOA) or similar~~
21 ~~organizations or at training events approved by the board to~~
22 ~~provide clinical services performed by a certified or licensed~~
23 ~~clinician.~~

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

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